PHOTOGRAPHY
&
Modern Challenges



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Bismihi Ta`ala

Moulana Muzzammil Ali Sahib presented to me the book "Photography and Modern Challenges" written by Moulana Zakariyya Makada Sahib. Notwithstanding the differences of opinion regarding digital photography, every person agrees that it is incorrect to use photography for Deeni purposes. Apart from the moral degeneration that television causes, it is the cause for a whole host of other evils and wrongs. It is incorrect to utilise every means whether permissible or impermissible for the propagation of Deen. Instead, Islam has ordained upon us to utilise for the dissemination of Deen only those means which conform to Deen. Furthermore, even if one wishes to propagate Deen via the television, there are many obscene pictures, musical tones and shameful acts one viewing the television will come across which one cannot safeguard himself from. Similarly, many adverts of an impermissible nature are aired between the so-called 'permissible' programmes. Safeguarding oneself from such

wrongs is just an illusion which is a far cry from reality. Whenever a *Shari'ee* decision is taken, the outcome and evil consequences are taken into consideration. Therefore, the verdict of permissibility cannot be issued for the television to be used as a tool to propagate Deen.

It is my du`aa that Allah Ta`ala blesses the Muslims at large with the ability to practise on the commands of *Shari`ah* in totality and refrain from its prohibitions, and may He reward the author abundantly. *Aameen.*

(Hadhrat Moulana) Ni`matullah A`zami

Ustaaz of Hadeeth, Darul Uloom Deoband

4 Zul Qa`dah 1433

Forward – Hazrat Mufti Ebrahim Salejee Sahib *(Daamat Barakaatuhu)*

Bismihi Ta'ala

One of the distinguishing traits of the *Akaabir Ulama-e-Deoband* was that with respect they openly and clearly expressed what they understood to be the correct position in the light of the Qur'aan and Sunnah. Hadhrat Moulana Ashraf Ali Thanwi رحمة الله عليه differed in several *masaa'il* with some of the senior *Ulama* of the time. Hadhrat Thanwi رحمة الله عليه clearly expounded what he regarded as the Haq (truth) in those issues and remained steadfast upon the view he had adopted.

The above has always been the stance of the *Ulama-e-Kiraam.* This is a sign of them being the flag bearers of the Truth. They did not refrain from expressing what they understood to be the truth out of consideration for anyone. In a respectful manner they supported what they believed to be correct. It was not their manner to hide the truth and refrain from expressing it.

May Allah Ta'ala keep this legacy of the *Ulama-e-Deoband* alive and grant His Divine assistance in such efforts. May Allah Ta'ala enlighten our hearts and guide us towards His pleasure. *Aameen.*

It is therefore pleasing that Moulana Zakariyya Makada Sahib has undertaken the task of discussing this crucial topic and explaining its

reality. May Allah Ta'ala accept this noble effort and make it a means of benefit for the *ummah.*

(Hadhrat Mufti) Ebrahim Salejee

Principle of Madrash Ta'leemuddeen

Isipingo Beach – South Africa

Forward – Hazrat Moulana Muhammad Ilyas Patel Sahib *(Daamat Barakaatuhu)*

Bismihi Ta`ala

The rapid progress of technology has provided mankind with many useful items and instruments and also created many challenges. Among the various “two-edged swords” that technology has dished out, which are in almost every person’s hands, are the cell-phone and the internet. While the benefits of these items are numerous, the misuse or abuse of the same has already resulted in havoc and devastation in many people’s lives. Therefore, everything that technology dishes out is not to be immediately grabbed with both hands. First its position in *Shariah* must be properly ascertained, whether it falls within the limits of permissibility or not. If it is permissible, what are its limits? Despite being permissible in principle, would its use affect other *Shari’ee* objectives? All these aspects have to be carefully considered before any view can be expressed.

In particular, the question of digital photography demands that the highest levels of caution be exercised in ascertaining its *Shari’ee* position. This is demanded by the fact that the *Shariah* has sounded severe warnings against picture making. Rasulullah ﷺ is reported to have said: “Those who indulge in picture making (of animate objects)

will be subjected to the worst form of punishment on the day of *Qiyaamah*" (Saheeh Bukhari).

In the eyes of almost every layman, a digital photograph and any other picture are one and the same – both are pictures. The highly academic debate whether there is any difference between the two or not is unknown to most people and way beyond their understanding. Furthermore, many experts have given detailed arguments to prove that a digital picture is really just that – a picture. This reality, coupled with the severe warnings in the Hadith already mentioned above, has elevated the issue of digital photography way beyond other issues wherein differing views have been expressed. This matter demands that the highest level of caution be exercised.

Moulana Zakariyya Makada Sahib *(Sallamahu Ta'ala)*, a senior *Ustaaz* of Hadith at Madrasah Ta'leemuddeen, Isipingo Beach undertook the task of researching this topic in-depth and of evaluating the issue from various perspectives. May Allah Ta'ala accept it and make it a means of great benefit for the entire *ummah. Aameen.*

(Hadhrat Moulana) Muhammad Ilyas Patel

Senior Ustaaz of Hadith

Madrash Ta'leemuddeen

Isipingo Beach – South Africa

بسم الله الرحمن الرحيم

Introduction

As *Qiyaamah* draws closer, the *fitnah* and *fasaad* are ever increasing and trials and tribulations are incessantly raining upon the *Ummah*. The prophecy of Rasulullah ﷺ which was explained to the *Sahaabah* ؓ over fourteen hundred years ago is a reality today. Hadhrat Abu Hurairah ؓ reports that Nabi ﷺ said:

وعن أبي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه وسلم كيف بكم أيها الناس إذا طغى نساؤكم وفسق فتيانكم ؟ قالوا يا رسول الله إن هذا لكائن ؟ قال نعم وأشد منه كيف بكم إذا تركتم الأمر بالمعروف والنهي عن المنكر ؟ قالوا يا رسول الله إن هذا لكائن ؟ قال نعم وأشد منه كيف بكم إذا رأيتم المنكر

معروفًا والمعروف منكرًا ؟ (مسند أبي يعلى ٦/٥٠, الطبراني في الأوسط ١٠/١٥٢)[١]

"O my Sahaabah, what will be the condition of my ummah when your youth will commit sin openly and your women will transgress all limits?" The Sahaabah ﷺ said, "Will such a time ever dawn upon the ummah?" Nabi ﷺ said: "Yes, and even worse." Nabi ﷺ then said: "O my Sahaabah, what will be the condition of my ummah when you will stop enjoining good and forbidding evil?" The Sahaabah ﷺ said, "Will such a time ever dawn upon the ummah?" Nabi ﷺ said: "Yes, and even worse." Nabi ﷺ then said: "O my Sahaabah, what will be the condition of my ummah at that time when you consider wrong to be right and right to be wrong?" (Musnad Abi Ya'laa 6/50, Al-Mu'jam Al-Awsat Lit-Tabraani 10/152)

Amongst the most heinous offences and crimes in the sight of Allah Ta'ala is that one regards as *halaal* that which *Shari'ah* has declared as *haraam* or that one considers *haraam* what *Shari'ah* has declared as *halaal*. This was the primary cause for the destruction of the past nations (Jews and Christians). When they began tampering with the divine *Shari'ah* of Allah Ta'ala to suite their whims and fancies, the *azaab* (divine punishment) of Allah Ta'ala rained upon them and seized them.

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[١] وعن علي رضي الله عنه؛ قال: قال رسول الله صلى الله عليه وسلم: "كيف بكم إذا فسق فتيانكم وطغى نساؤكم قالوا: يا رسول الله وإن ذلك لكائن قال نعم وأشد كيف أنتم إذا لم تأمروا بالمعروف و لم تنهوا عن المنكر قالوا يا رسول الله وإن ذلك لكائن قال نعم وأشد كيف بكم إذا أمرتم بالمنكر ونهيتم عن المعروف قالوا يا رسول الله وإن ذلك لكائن قال نعم وأشد كيف بكم إذا رأيتم المعروف منكرًا والمنكر معروفًا قالوا يا رسول الله وإن ذلك لكائن قال نعم. رواه رزين .

Allah Ta'ala had entrusted the preservation of the past *Shari'ah* (divine laws) to its people. However, they tampered with their *Shari'ah* and adulterated their heavenly scriptures. As for the *Shari'ah* of Muhammad ﷺ and the Holy Qur'aan, since it is to remain until the end of time, Allah Ta'ala has taken divine responsibility of protecting and preserving it. The Qur'aan Shareef declares:

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحٰفِظُوْنَ ۝٩

"Indeed, We are the Ones who have sent down the Zikr (the Qur'aan), and We will surely protect it." (Surah Al-Hijr, Aayah 9)

Nabi ﷺ foretold that while the Bani Israaeel were divided into seventy-two groups, his *ummah* will be divided into seventy-three groups. Nabi ﷺ thereafter said that only one group will be rightly guided. They will be those who "follow my path and the path upon which my *Sahaabah* tread".

The book in your hands titled "Photography and Modern Challenges" deals with the *fitnahs* affecting the *Ummah* and in particular the *mas'alah* of digital photography. The book explores the *Shari'ee* ruling regarding digital photography by undertaking a detailed research of the Ahaadith of Rasulullah ﷺ, the verdicts of the *Sahaabah* رضي الله عنهم and the four *Imaams* of *fiqh.*

We earnestly make du'aa to Allah Ta'ala to accept this humble effort and make it a means of establishing the truth of Islam and preserving the *Shari'ah* in its pure and pristine form. *Aameen.*

Fitnahs and Trials

Challenges facing the ummah

From the time of Rasulullah ﷺ, the *ummah* faced various trials and tribulations. Some related to the *kuffaar* who were bent on destroying and demolishing the structures of Islam, whilst others related to the *Munaafiqeen* who persistently and tirelessly worked towards creating doubts and confusion among the Muslims. Nabi ﷺ and the *Sahaabah* ﵃ defended Islam and taught the *ummah* the manner in which they should contend with such problems.

In the time of Hadhrat Abu Bakr ﵁, the *fitnah* of *irtidaad* (apostasy) broke out in the *ummah.* At that crucial juncture, Allah Ta'ala divinely aided Hadhrat Abu Bakr ﵁ in combating the forces of *kufr* and preserving the *Shari'ah* of Islam. His words to Hadhrat Umar ﵁ as recorded in the books of Hadith ring out aloud, not in the ears, but in the hearts of the believers until this day:

"أينقص الدين و أنا حي"

"Will any weakness creep into Deen while I (Abu Bakr) am alive?"

In the era of Hadhrat Umar ﵁, the Roman and Persian emperors, *Kisra* and *Qaisar*, mobilized their seemingly impregnable armies of a few hundred thousand against the Muslims. At that critical occasion when Islam was under attack, Allah Ta'ala divinely supported Hadhrat Umar ﵁. Hence, Deen remained secure and protected. In the

period of Hadhrat Uthmaan ﵁ when the *fitnah* spread among the Muslims in Armenia and Azerbaijan in relation to the various dialects of the Qur'aan, Allah Ta'ala inspired Hadhrat Uthmaan ﵁ to compile the Qur'aan and preserve all the dialects in the manner it was revealed. During the *Khilaafat* of Hadhrat Ali ﵁, when the deviated sect, the *Khawaarij*, detached themselves from the *Sahaabah* ﵃ and the rest of the *ummah*, and began reinterpreting Deen and the Qur'aan, Allah Ta'ala divinely empowered Hadhrat Ali ﵁ against them. Hence, wars and battles were fought and the *fitnah* was eradicated and wiped out.

In essence, whenever a *fitnah* arose in the past centuries of Islam, from the era of Nabi ﷺ, the *Khulafaa-e-Raashideen*, or in the era that followed, regardless of whether it related to the *fitnah* of *Khalq-ul-Qur'aan*, the *Shias*, *Khawaarij*, *Murji'ah* or *Mu'tazilah*, etc., and whenever Islam was under attack or any aspect of the *Shari'ah* was targeted, there always existed a group of the *ummah* who stood up for the defence of Islam. They were prepared to sacrifice their wealth and property, as well as to lay down their lives for the protection and preservation of the Deen of Islam.

عن ثوبان أن رسول الله صلى الله عليه و سلم قال لا يزال طائفة من أمتي على الحق منصورين لا يضرهم من خالفهم حتى يأتي أمر الله عز و جل (ابن ماجة ١/٣)

Rasulullah ﷺ said: "There will always be a group from my ummah who will be divinely assisted to remain firm on the truth. Those who will oppose them will not be able to harm them until the decision of Allah Ta'ala will come."(Ibnu Maajah 1/3)

One of the greatest fitnahs of this time

Over the last five decades, the world has made such astounding progress and advancement in technology that was never witnessed in human history. The means of communication have expanded extensively through modern day inventions such as the television, cell phones, computers, internet, etc. Hence, a person in the east can communicate with a person in the west with complete ease and comfort whilst sipping a cup of tea. Volumes of information can easily be accessed in a matter of seconds from websites around the globe. One is able to find solutions for complex problems from health to finance or most issues that affect our daily life. At the press of a button, one is confronted by an explosion of information from all over the world.

Technology, the cause of moral and spiritual degeneration

Indeed, there are innumerable advantages and enormous benefits that man can reap by means of these modern day inventions. However, due to his curious nature and inquisitive mind, man began to explore any and every way of using these inventions. He did not restrict himself to the *halaal* avenues only. Instead, he broke all barriers and began to drown himself in *haraam*. As is well known, technology (the cell phone and internet) was not born alone. Rather it brought along with its birth a host of *fitnah*s and a tsunami of immorality and vice. Hence, the result is nothing but widespread corruption and havoc being created in the world.

Many of the numerous cases of broken homes and broken marriages are the direct result of the misuse of the cell phone and

internet. By the press of a button, one is able to view the worst of sins committed on the face of this earth. Every imaginable way that can spur up man's carnal desires and arouse his sexual passions is accessible by all and sundry without any restrictions. Illicit relationships are initiated through social networks such as Facebook, Twitter, Myspace, etc. Man has surpassed all limits and has broken all bounds in disobeying Allah Ta'ala via these mediums of so called "human advancement and progress". The *kuffaar* through these modern day inventions have succeeded in exporting their western culture across the globe. They have managed to reach even the most sacred sanctuaries of Islam i.e. Makkah Mukarramah and Madinah Tayyibah. Through the "blessing" of Facebook, Mxit, Twitter, etc. one is able to freely interact with the opposite sex, present a video of his/her personal life and display it before the world without going to Hollywood. In short, the degeneration of Islamic morals and values in the Muslim *ummah* is taking place faster than an avalanche on account of these "hell phones, webs and nets of *shaitaan*".

How does technology (cell phones, internet, computers, etc.) affect our Deen?

Consider these modern day technologies and inventions from an Islamic point of view. While technology has made the almost impossible, possible in terms of making libraries of Islamic information available within seconds, it has however destroyed the fabric of Islam in the *ummah.* The aspects of precaution and prudence, reliability and authenticity, which are required in matters of Deen, are replaced with laxity and leniency. Hence, we notice that whenever people are faced with any *Deeni mas'alah* or problem, the first thing they resort to is surfing the net to see what they can come up with. From a wide array of views which are propagated by anyone

and everyone, including *Salafis*, modernists, *Shias*, *Qaadiaanis*, etc., one is free to choose what makes most sense to one's own logical reasoning or supports his situation. The path adopted is very often motivated purely by one's personal desires. The need to refer to the "doctors" of Deen no longer remains.

The Deeni commitment and dedication that existed at one time in the world no longer exists. People consumed by personal interest utilize these modern day inventions and technologies to find justifications for themselves in fulfilling their desires. Over and above, through the internet the masses have access to the various commentaries of the Qur'aan and Hadith, thereby engaging themselves and encouraging others towards self-study. The outcome of such self-study is nothing but reaching incorrect conclusions and erroneous deductions. Thus, instead of following the pure and pristine brand of Islam that Rasulullah ﷺ brought to us, they choose "a new brand of Islam" for themselves. Nabi ﷺ prophesised the coming of such critical times in his *Mubaarak* Hadith:

وروي عن أبي مالك الأشعري أنه سمع النبي صلى الله عليه و سلم يقول لا أخاف على أمتي إلا ثلاث خلال أن يكثر لهم من الدنيا فيتحاسدوا وأن يفتح لهم الكتاب يأخذه المؤمن يبتغي تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولو الألباب وأن يروا ذا علم فيضيعوه ولا يبالوا عليه (الترغيب و الترهيب ١/١٥٢)

Rasulullah ﷺ is reported to have said: "I especially fear three shortcomings in my followers. Firstly, due to abundance of material wealth and possessions, jealousy will spread among them for one another. Secondly, they will begin to freely discuss the Holy Qur'aan (without expert guidance), whereas many meanings are such that cannot be understood by anyone except Allah Ta'ala. (In regard to

such verses), the well-versed scholars of the Book say: "We fully believe in it, and that it has come from Allah Ta'ala" (thus how much more careful should the common people be). Thirdly, the religious scholars will be neglected and people will not pay any attention towards their teachings". (At-Targheeb Wat-Tarheeb 1/152)

وعن المقدام بن معدي كرب عن رسول الله صلى الله عليه وسلم أنه قال ألا إني أوتيت الكتاب ومثله معه ألا يوشك رجل شبعان على أريكته يقول عليكم بهذا القرآن فما وجدتم فيه من حلال فأحلوه وما وجدتم فيه من حرام فحرموه وإن ما حرم رسول الله كما حرم الله (مشكاة المصابيح ، ص ٢٩)

Miqdaam bin Ma'di karib ﷛ reports that Rasulullah ﷺ said: "Behold! I have been given the Qur'aan and its likeness as well (the Hadith). The time has drawn close when a man will eat to his fill, then while resting on his couch he will say: "Hold firm to the Qur'aan only, (and not the Hadith). Whatever you find in it as halaal regard it as halaal and whatever you find in it as haraam regard it as haraam", whereas whatever Rasulullah ﷺ declared haraam (in his Mubaarak Hadith) has the same status as Allah Ta'ala declaring something as haraam". (Mishkaat pg.29)

عن ابن شهاب أن أبا إدريس الخولاني عائذ الله أخبره أن يزيد بن عميرة وكان من أصحاب معاذ بن جبل أخبره قال كان لا يجلس مجلسا للذكر حين يجلس إلا قال الله حكم قسط هلك المرتابون فقال معاذ بن جبل يوما إن من ورائكم فتنا يكثر فيها المال ويفتح فيها القرآن حتى يأخذه المؤمن والمنافق والرجل والمرأة والصغير والكبير والعبد والحر فيوشك قائل أن يقول ما للناس لا يتبعوني وقد قرأت القرآن ما هم بمتبعي حتى أبتدع لهم غيره فإياكم وما ابتدع فإن ما ابتدع

ضلالة وأحذركم زيغة الحكيم فإن الشيطان قد يقول كلمة الضلالة على لسان الحكيم وقد يقول المنافق كلمة الحق. قال قلت لمعاذ ما يدريني رحمك الله أن الحكيم قد يقول كلمة الضلالة وأن المنافق قد يقول كلمة الحق قال بلى اجتنب من كلام الحكيم المشتهرات التي يقال لها ما هذه ولا يثنينك ذلك عنه فإنه لعله أن يراجع وتلق الحق إذا سمعته فإن على الحق نورا. (سنن أبي داود ٢/٦٣٢)

Yazeed bin Haroon, a student of Mu'aaz bin Jabal ﷺ reports that whenever Mu'aaz ﷺ would deliver a lesson or lecture he would commence by saying, "Allah Ta'ala is the Just King who decides all affairs. Destruction is for those who doubt this."

On one occasion, whilst sharing some advices with the people, Mu'aaz bin Jabal ﷺ said: "Many trials will appear in the days to follow. Wealth will become abundant and the study of the Qur'aan will become widespread. The Believers and hypocrites, men and women, young and old, slaves and free people, all will independently study the Qur'aan and reach incorrect conclusions. Some people (aspiring for leadership) will begin to think within themselves, "What is wrong with the people? Why are they not following me whereas I have studied the Qur'aan? Perhaps they will follow me if I introduce something new (not supported by the Qur'aan and Sunnah)." (Mu'aaz ﷺ thereafter cautioned the people saying,) "Beware of such people who bring about innovations in Deen. Innovations in Deen are clear misguidance. I further warn you against the error of a wise man (righteous guided Aalim). For indeed, Shaitaan at times causes a wise person (righteous guided Aalim) to utter a word of misguidance and a hypocrite can utter a word of truth." Yazeed says that I then asked Mu'aaz ﷺ, "How will I be able to distinguish the misguidance uttered by a wise person (righteous guided Aalim) and the truth spoken by a hypocrite?" Mu'aaz ﷺ replied, "Yes undoubtedly, refrain from (following) such statements of the wise person (righteous guided Aalim) which when it is circulated among the people it becomes a

target of objection (among the learned scholars). However, this should not divert you from him (righteous guided Aalim) for it is possible that he will retract. Furthermore, accept the truth whenever you hear it for indeed the truth is accompanied with noor (Divine light)." (Abu Dawood 2/632)

Picture making and Photography

Picture making in Islam

The picture making industry has advanced in leaps and bounds through these modern day inventions. It has broken all records in perfecting the art of photography. From ink to film and finally to an array of light sensitive sensors, man no longer requires the effort to manually sketch and design the picture. The technology that he has engineered called digital photography automatically fulfils the task. The question we ought to ask is: "Is this also not the very same picture-making which Rasulullah ﷺ prohibited us from over fourteen hundred years ago? Is this not the very same picture-making with regard to which Rasulullah ﷺ sounded severe warnings in his Ahaadith for those involved in its production?" Consider the following Ahaadith:

Warnings of picture making

حدثنا الأعمش عن مسلم قال كنا مع مسروق في دار يسار بن نمير فرأى في
صفته تماثيل فقال سمعت عبد الله قال سمعت النبي صلى الله عليه وسلم يقول إن

أشد الناس عذابا عند الله يوم القيامة المصورون (صحيح البخاري ٢/٨٨٠ ، صحيح لمسلم ٢/٢٠١)

It is reported from Imaam A'mash رحمة الله عليه, who narrates from his Ustaaz, Muslim رحمة الله عليه that Masrooq رحمة الله عليه was once in the house of Yasaar رحمة الله عليه, when his sight fell on some pictures. He immediately narrated the Hadith he heard from Abdullah bin Mas'ood ﷺ who related from Rasulullah ﷺ that he said, "Those involved in picture-making will be subjected to the worst forms of punishment on the day of Qiyaamah." (Bukhari 2/880, Muslim 2/201)

عن نافع أن ابن عمر أخبره أن رسول الله صلى الله عليه وسلم قال الذين يصنعون الصور يعذبون يوم القيامة يقال لهم أحيوا ما خلقتم (صحيح لمسلم ٢/٢٠١ ، صحيح البخاري ٢/٨٨٠)

Abdullah bin Umar ﷺ reported that Rasulullah ﷺ said, "Those involved in picture making will be severely punished on the Day of Qiyaamah and Allah Ta'ala will say to them, 'Give life to what you have created!'." (Muslim 2/201, Bukhari 2/880)

حدثنا سعيد قال سمعت النضر بن أنس بن مالك يحدث قتادة قال كنت عند ابن عباس وهم يسألونه ولا يذكر النبي صلى الله عليه وسلم حتى سئل فقال سمعت محمدا صلى الله عليه وسلم يقول من صور صورة في الدنيا كلف يوم القيامة أن ينفخ فيها الروح وليس بنافخ (صحيح البخاري ٢/٨٨١ ، صحيح لمسلم ٢/٢٠٢)

Qataadah رحمة الله عليه said, "I was once in the company of Ibnu Abbaas ﷺ when someone posed the question regarding picture making. Ibnu

Abbaas ﷺ said that he heard Rasulullah ﷺ saying: "The one who creates a picture (of an animate object) will be commanded on the Day of Qiyaamah to infuse the soul in it, and thereby give life to it. However, he will never be able to give life to it (hence he will face severe torment and punishment in the fire of Jahannum)." (Bukhari 2/881, Muslim 2/202)

The view of the four Mazhabs on picture making

The four *Imaams* of *fiqh*, viz. Imaam Abu Hanifah, Imaam Maalik, Imaam Shaafi'ee and Imaam Ahmad رحمة الله عليهم were all unanimous upon the prohibition of picture making of all animate objects. This is clearly seen in their classical works of Islamic Jurisprudence, as discussed hereunder.

Hanafi Mazhab

وفي التوضيح قال أصحابنا وغيرهم تصوير صورة الحيوان حرام أشد التحريم وهو من الكبائر وسواء صنعه لما يمتهن أو لغيره فحرام بكل حال لأن فيه مضاهاة لخلق الله وسواء كان في ثوب أو بساط أو دينار أو درهم أو فلس أو إناء أو حائط وأما ما ليس فيه صورة حيوان كالشجر ونحوه فليس بحرام وسواء كان في هذا كله ما له ظل وما لا ظل له وبمعناه قال جماعة العلماء مالك والثوري وأبو حنيفة وغيرهم (عمدة القاري شرح صحيح البخاري ٢٢/٧٠)

Allamah Badruddeen Aini states: The author of At-taudheeh explains that our *Fuqahaa* رحمة الله عليهم are of the opinion that producing the picture of any animate object is ruled as the worst form of *haraam*

sins and is counted from among the major sins. Producing pictures of animate objects is *haraam*, irrespective of whether the picture is regarding things that are disdained and disgraced (such as a picture on a floor mat which is walked upon) or not. The basis for the impermissibility (of picture making) in *Shari'ah* is producing something that resembles the creation of Allah Ta'ala. It is immaterial whether the picture was imprinted on a cloth, rug (floor mat), coin, note, utensil or on a wall, regardless of whether it has a shadow (i.e. it is a statue) or it does not have a shadow (i.e. it is a sketch). As for inanimate objects (e.g. trees etc.), it is permissible to draw them. This is the preferred view of Imaam Maalik رحمة الله عليه, Sufyaan Thauri رحمة الله عليه, Imaam Abu Hanifah رحمة الله عليه and others.

وظاهر كلام النووي في شرح مسلم الإجماع على تحريم تصوير الحيوان وقال وسواء صنعه لما يمتهن أو لغيره فصنعته حرام بكل حال لأن فيه مضاهاة لخلق الله تعالى وسواء كان في ثوب أو بساط أو درهم وإناء وحائط وغيرها ا هــ فينبغي أن يكون حراما لا مكروها إن ثبت الإجماع أو قطعية الدليل بتواتره (رد المحتار ٦٤٧/١)

Under the topic of 'wearing clothes with animate images' Allamah Shaami رحمة الله عليه writes: "From the explanation of Imaam Nawawi رحمة الله عليه, we understand that there is consensus that producing animate images is *haraam.* He further states that irrespective of whether the picture is disdained and disgraced or not, in all cases it will still be *haraam.* The basis for the impermissibility (of picture making) is producing something that resembles the creation of Allah Ta'ala. It is immaterial whether the picture was imprinted on a cloth, rug (floor mat), coin, utensil or on a wall, etc. Therefore, it is appropriate to classify it as *haraam* and not *makrooh,* especially since it is

established through consensus or an authentic proof via a sound transmission.

وكذا النهي إنما جاء عن تصوير ذي الروح لما روي عن علي رضي الله عنه أنه قال من صور تمثال ذي الروح كلف يوم القيامة أن ينفخ فيه الروح وليس بنافخ فأما لا نهي عن تصوير ما لا روح له لما روي عن ابن عباس رضي الله عنه أنه نهى مصورا عن التصوير فقال كيف أصنع وهو كسبي فقال إن لم يكن بد فعليك بتمثال الأشجار (بدائع الصنائع ١/١١٦)

Similarly, Allamah Kaasani رحمة الله عليه says that the prohibition is in regard to animate images due to what has been narrated from Ali رضي الله عنه: "Whoever produces an image of an animate object, then on the Day of *Qiyaamah* he will be commanded to give life to that image, whereas he will not be able to give life to it." There is no prohibition in regard to inanimate objects due to the narration of Ibnu Abbaas رضي الله عنه where he prohibited an artist from producing animate images. The person responded: "How should I then acquire an income?" He replied: "If this is your only source of income then sketch inanimate objects."

Maaliki Mazhab

والحاصل أنه يحرم تصوير حيوان عاقل أو غيره إذا كان كامل الاعضاء إذا كان يدوم إجماعا، وكذا إن لم يدم على الراجح كتصويره من نحو قشر بطيخ ويحرم النظر إليه إذ النظر إلى المحرم حرام ... وغير ذي ظل كالمنقوش في حائط أو ورق فيكره (حاشية الدسوقي على الشرح الكبير ٣/٢٠١)

The renowned *Maaliki* scholar, Allamah Dusooqi رحمة الله عليه explains: In brief, producing statues is Haraam, be they of humans or animals, provided it is a fully developed statue with all the limbs, irrespective of whether the statue is sculpted from something that will remain (e.g. stone) or from something which will not remain e.g. producing a statue from melon peels. Looking at such a statue will also be *haraam*, since looking at an impermissible object is *haraam*".

(قال) ابن القاسم: وسألت مالكا عن التماثيل تكون في الأسرة والقباب والمنار وما اشبهه؟ (قال): هذا مكروه قال: هذه لان خلقت خلقا (المدونة الكبرى ٢١٣/١)

Allamah Ibnul Qaasim رحمة الله عليه mentions that I enquired from Imaam Maalik رحمة الله عليه regarding pictures that are drawn on armour, swords, watch-towers etc. Imaam Maalik رحمة الله عليه replied: "It is *makrooh.*" Thereupon, Imaam Maalik رحمة الله عليه explained the reason for its prohibition i.e. it was created (by man).

Note: Though there are several views recorded in the Maaliki kitaabs regarding pictures of animate objects, however, the preferred view of the Maaliki mazhab is that pictures of animate objects are impermissible (*Makrooh-e-tahrimi*). This is also recorded in "Sharhu Mukhtasar al-Khaleel 3/303 [1]

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[١] شروط وجوب الإجابة أن لا يكون هناك كلب لا يحل اقتناؤه أو صور مجسدة على الجدار كصور السباع التي لها ظل ولو لم يدم قال في التوضيح التمثال إذا كان لغير حيوان كالشجر جائز وإن كان لحيوان فما له ظل ويقيم فهو حرام بإجماع , وكذا يحرم إن لم يقم كالعجين خلافا لأصبغ لما ثبت أن المصورين يعذبون يوم القيامة ويقال لهم أحيوا ما كنتم تصورون وما لا ظل له إن كان غير ممتهن فهو مكروه وإن كان ممتهنا فتركه

أولى انتهى وهذا في الصورة الكاملة , وأما ناقص عضو من الأعضاء الظاهرة فيباح النظر إليه واحترز بقوله صورة على كجدار عن صور الثياب .(شرح مختصر الخليل باب الوليمة ٣٠٣/٣ مكتبة النجاح-ليبيا)

قال الشيخ المفتي محمد تقي العثماني حفظه الله في شرحه على صحيح لمسلم تكملة فتح الملهم : وقد اختلف الروايات عن مالك رحمه الله في مسئلة التصوير ولذلك وقع الإختلاف بين علماء المالكية في هذا والذي أجمعت عليه الروايات والأقوال في مذهب المالكية حرمة التصاوير المجسدة التي لها ظل والخلاف في ما ليس له ظل مما يرسم على ورق أو ثوب قال الأبي رحمه الله في شرحه لمسلم ٣٩٤/٥ "واختلف في تصوير ما لا ظل له فكرهه ابن شهاب في أي شيء صور من حائط أو ثوب أو غيرها وأجاز ابن القاسم تصويره في الثياب لقوله في الحديث الآتي "إلا رقما في ثوب" وكذلك نقل المواق في التاج والإكليل ٤/٤ عن ابن عرفة أنه يقصر الحرمة على المجسدة من الصور فقط.

وقال العلامة الدردير في شرحه الصغير على مختصر خليل: والحاصل أن تصاوير الحيوانات تحرم إجماعا إن كانت كاملة لها ظل مما يطول استمراره بخلاف ناقص عضو لا يعيش به لو كان حيوانا وبخلاف ما لا ظل له كنقش في ورق او جدار وفيما لايطول استمراره (كما لو كانت من نحو قشر بطيخ) خلاف والصحيح حرمته راجع حاشية الصاوي على الشرح الصغير ٥٠١/٢

والذي يظهر من مراجعة كتب المالكية أن أكثر علمائهم يقولون بكراهة الصور ولو لم يكن لها ظل إلا إذا كانت ممتهنة قال الخرشي ٣٠٣/٣ قال في التوضيح: التمثال إذا كان لغير حيوان كالشجر جائز وإن كان لحيوان فما له ظل ويقيم فهو حرام بإجماع وكذا يحرم وإن لم يقم كالعجين خلافا لأصبغ ... وما لا ظل له إن كان غير ممتهن فهو مكروه وإن كان ممتهنا فتركه أولى وبمثله ذكر الدردير في الشرح الكبير راجعه مع الدسوقي ٣٣٨/٢ والزرقاني على مختصر خليل ٥٣/٤

فالحاصل أن المنع من اتخاذ الصور مجمع عليه فيما بين الأئمة الأربعة إذا كانت مجسدة أما غير المجسدة منها فاتفق الأئمة الثلاثة على حرمتها أيضا قولا واحدا والمختار عند أكثر المالكية كراهتها لكن ذهب بعض المالكية إلى جوازها (تكمله فتح الملهم ١٥٩/٤)

Shaafi‘ee Mazhab

قال أصحابنا وغيرهم من العلماء تصوير صورة الحيوان حرام شديد التحريم وهو من الكبائر لأنه متوعد عليه بهذا الوعيد الشديد المذكور في الأحاديث وسواء صنعه بما يمتهن أو بغيره فصنعته حرام بكل حال لأن فيه مضاهاة لخلق الله تعالى وسواء ما كان فى ثوب أو بساط أودرهم أو دينار أو فلس أو اناء أو حائط أو غيرها وأما تصوير صورة الشجر ورحال الابل وغير ذلك مما ليس فيه صورة حيوان فليس بحرام هذا حكم نفس التصوير وأما اتخاذ المصور فيه صورة حيوان فان كان معلقا على حائط أو ثوبا ملبوسا أو عمامة ونحوذلك مما لايعد ممتهنا فهو حرام وان كان في بساط يداس ومخدة ووسادة ونحوها مما يمتهن فليس بحرام ولكن هل يمنع دخول ملائكة الرحمة ذلك البيت فيه كلام نذكره قريبا إن شاء الله ولافرق في هذا كله بين ماله ظل وما لا ظل له هذا تلخيص مذهبنا في المسألة وبمعناه قال جماهير العلماء من الصحابة والتابعين ومن بعدهم وهو مذهب الثوري ومالك وأبي حنيفة وغيرهم (شرح النووي على المسلم مع صحيح لمسلم ١٩٩/٢)

Allamah Nawawi رحمة الله عليه states: “Our companions as well as other scholars explain that picture making of all animate objects is declared as the worst form of *haraam* actions and counted from among the major sins due to the severe warnings reported in the *Mubaarak* Ahaadith. This law (the prohibition of picture making) applies regardless whether one produces the picture of an animate object that will be disgraced or not. The basis for the impermissibility of picture making in *Shari’ah* is producing something that resembles the

creation of Allah Ta'ala. It makes no difference whether the picture was imprinted on a cloth, a rug (floor mat), a coin, a note, a utensil or on a wall. However producing pictures of inanimate objects such as trees or carriages, etc. is permissible. The above-mentioned laws apply to the actual picture making. As far as keeping a picture of animate objects in one's possession, the following laws apply:

1. If it is hung on the wall, or it is imprinted on clothes that are worn, or imprinted on a turban, or anything else which is not despised or disgraced then keeping it in this manner is *haraam.*

2. If it is imprinted on a rug/floor mat or on a pillow or a sheet placed over a donkey or anything that is despised, it will be permissible, irrespective of whether it is a thing that has a shadow (i.e. a statue) or it does not have a shadow (i.e. a picture of an animate object).

In essence, this is our *mazhab* and this is the preferred opinion of the *Sahaabah* ﷺ, the *Taabi'een* and those who followed them, such as Imaam Maalik رحمة الله عليه, Sufyaan Thauri رحمة الله عليه and Imaam Abu Hanifah رحمة الله عليه. (Ash Sharh lin-Nawawi)

(ويحرم) ولو على نحو أرض وما مر من الفرق إنما هو في الاستدامة (تصوير حيوان) وإن لم يكن له نظير كما مر بل هو كبيرة لما فيه من الوعيد الشديد كاللعن وأن المصورين أشد الناس عذابا يوم القيامة (تحفة المحتاج بشرح المنهاج ٥٤٠/٧)

Allamah Ibnu Hajar Haitami رحمة الله عليه mentions that pictures of animate objects are impermissible, even though it may be sketched on the ground and even though there may be no likeness for it on earth. This action (of sketching an animate object) is itself a grave sin

regarding which severe warnings have been sounded in the Hadith. Those involved in picture making are cursed and on the Day of *Qiyaamah*, they will be subjected to the worst forms of punishment.

(ويحرم تصوير حيوان) للحديث المار ولما فيه من مضاهاة خلق الله تعالى قال المتولي وسواء أعمل لها رأسا أم لا خلافا لأبي حنيفة رضي الله تعالى عنه وقال الأذرعي إن المشهور عندنا جواز التصوير إذا لم يكن له رأس لما أشار إليه الحديث من قطع رؤوسها اه وهذا هو الظاهر تنبيه قضية إطلاق المصنف أنه لا فرق في تصويره على الحيطان أو الأرض أو نسج الثياب وهو الصحيح في زيادة الروضة

(مغني المحتاج ٣٠٣/٣)

Allamah Shirbeeni رحمة الله عليه of the Shaafi‘ee *mazhab* says that pictures of animate objects are impermissible in the light of the Hadith due to it resembling the creation of Allah Ta’ala. Mutawalli رحمة الله عليه says: “It (the prohibition) applies equally irrespective of the image having a head or not, contrary to Imaam Abu Hanifah رحمة الله عليه”. Azra‘iy رحمة الله عليه says: “According to us it is acknowledged that a headless picture is permissible due to the Hadith explaining that the heads should be removed.

Note: The generality of the statement of the author demands that there is no difference whether the (animate) image is sketched on a wall, the ground or on a cloth.

(ويحرم) ولو على نحو أرض وبلا رأس إذ ما مر بالنسبة للاستدامة وما هنا في الفعل (تصوير حيوان) وإن لم يكن له نظير كما مر للوعيد الشديد على ذلك

(نهاية المحتاج إلى شرح المنهاج ٣٧٦/٦)

Allamah Ramli رحمة الله عليه says that pictures of animate objects are impermissible even though it may be sketched on the ground and without a head. The basis of the impermissibility is due to it having stability and remaining all the time. As for animate images then, it is *haraam* even though there may be no likeness for it on earth. This is due to the severe warnings sounded in the Hadith regarding picture making.

Hambali Mazhab

يحرم تصوير ما فيه الروح ولا يحرم تصوير الشجر و نحوه. والتمثال مما لا يشابه ما فيه روح على الصحيح من المذهب, ... يحرم تعليق ما فيه صورة حيوان, و ستر الجدار به, و تصويره على الصحيح من المذهب (الإنصاف ١/٣٣٤)

Allamah Murdaawi رحمة الله عليه in his kitaab 'Al Insaaf' says, "Producing pictures of animate objects is *haraam*. However, producing pictures of trees etc. and statues that do not resemble animate objects is permissible, ... to hang an animate object and to hang a curtain with animate objects is *haraam*."

وصنعة التصاوير محرمة على فاعلها لما روى ابن عمر عن النبي صلى الله عليه و سلم أنه قال : الذين يصنعون هذه الصورة يعذبون يوم القيامة يقال لهم أحيوا ما خلقتم و عن مسروق قال دخلنا مع عبد الله بيتا فيه تماثيل فقال لتمثال منها تمثال من هذا قالوا تمثال مريم قال عبد الله قال رسول الله : إن أشد الناس عذابا يوم القيامة المصورون متفق عليهما والأمر بعمله محرم كعمله (المغني لابن قدامة ١٠/١٩٩)

Allamah Ibnu Qudaamah رحمة الله عليه, the famous Hambali scholar writes: It is totally *haraam* to produce an image of an animate object. Hadhrat Ibnu Umar ﷺ reports that Rasulullah ﷺ said, "Those involved in picture making will be severely punished on the Day of *Qiyaamah* and Allah Ta'ala will say to them, 'Give life to what you have created!" Masrooq رحمة الله عليه said that on one occasion I accompanied Abdullah bin Mas'ood ﷺ, we entered a house wherein there were (animate) pictures. Abdullah bin Mas'ood ﷺ enquired regarding one of the pictures, "Whose image is this?" They replied: "It is the image of Maryam." Abdullah bin Mas'ood ﷺ then quoted Rasulullah ﷺ as saying: "Those involved in picture-making will be subjected to the worst forms of punishment on the Day of *Qiyaamah.*"

ولأن الصور قد تعبد من دون الله وفيها مضاهاة لخلق الله فالصلاة عندها تشبه بمن يعبدها ويعظمها (شرح العمدة ١/٥٠٥).

Ibnu Taymiyyah writes: "The impermissibility of picture-making is on account of the fact that it would be worshipped and in it is مضاهاة لخلق الله i.e. the one drawing an animate object is resembling Allah Ta'ala in the power of creation. The one performing Salaah before it resembles the one worshipping it.

Fatwa of Hadhrat Mufti Mahmood Sahib رحمة الله عليه

Producing a picture of any animate object is *haraam.* This is irrespective of whether it is produced through wood, sand, iron, gold, or whatever other material is used, like drawing with a pen on paper

or on some surface, or a using a machine to capture a picture. There can be no permissibility for this at all.[1]

Fatwa of Hadhrat Mufti Muhammad Shafee' Sahib رحمة الله عليه

For producing a picture, the situation of the *mas'alah* does not change whether it is produced using colourful pens or whether it is captured through a machine (camera).[2]

Fatwa of Hadhrat Mufti Rasheed Ahmad Ludhyaanwi Sahib رحمة الله عليه

It is *haraam* and a major sin to produce the picture of any animate object, whether it is a large portrait or a small picture, whether it is on paper or cloth or through a camera. Similarly, it is impermissible to print it.[3]

Opinion of Hadhrat Allamah Binnori رحمة الله عليه

The warning that has been sounded in the Hadith regarding picture making applies to pictures of all animate objects. The entire *ummah* has consensus on its prohibition. However, may Allah Ta'ala destroy 'western modernisation' which has began to prove permissible that which is accepted as *haraam* by consensus.[4]

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[1] Fataawa Mahmoodiyah, vol. 29, p. 290

[2] Tasweer ke shari'ee ahkaam, p. 61

[3] Ahsan-ul-Fataawa, vol. 8, p. 437

[4] Bayyinaat – Ishaa`at-e-khaas, p. 350

It is not only our *Akaabir*, but the *Fuqahaa* of the entire Ummah have consensus on the fact that a photo is *haraam*. However, a picture of half the body or less will be allowed for passport reasons and other necessities and the consequence of this will fall on those who have made such laws.[1]

The basis of the prohibition of picture making

Hadhrat Mufti Shafee' Sahib رحمة الله عليه has written in his book "Tasweer ke Shari'ee Ahkaam", pg 57: "Upon examining the Ahaadith of Rasulullah ﷺ one understands that there are two underlying factors for the prohibition of picture making:

1. مضاهاة لخلق الله (the one drawing an animate object is resembling Allah Ta'ala in the power of creation) and this factor is glaringly found in digital photography.
2. It is the cause of *shirk* and idol worship in the world.

Numerous *Fuqahaa* of the various *mazaahib* have stated that the basis of the prohibition of picture making is مضاهاة لخلق الله. Among those *Fuqahaa* are:

1. The Shaafi'ee scholars, Allamah Nawawi رحمة الله عليه – commentary of Muslim Shareef, vol. 2, pg. 199, and

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[1] Bayyinaat – Ishaa`at-e-khaas, p. 350

Allamah Shirbeeni رحمة الله عليه – Mughnil Muhtaaj, vol. 3, pg. 303.

2. The Hanafi scholars, Allamah ‘Aini رحمة الله عليه – Umdatul Qaari, commentary of Bukhari Shareef, vol. 22, pg. 77, and Allamah Shaami رحمة الله عليه – Raddul Muhtaar, vol. 1, pg 647.
3. The Hambali scholar Ibnu Taymiyyah رحمة الله عليه – Sharhul Umdah, vol. 1, pg. 505.
4. The verdict of Imaam Maalik رحمة الله عليه also alludes towards the basis of the prohibition of picture making being مضاهاة لخلق الله.[1]

The history of idol worship

In the past *Shari‘ahs* there were many practices that were regarded lawful, but are unlawful in Islam. Wine was declared lawful for the previous nations. Observing purdah between the sexes was not compulsory upon them. Prostrating oneself before somebody as a mark of showing honour and respect was also permissible. Among the many other permissible practices for the past *ummah*s was the

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١ (قال) ابن القاسم: وسألت مالكا عن التماثيل تكون في الأسرة والقباب والمنار وما اشبهه؟ (قال): هذا مكروه قال: هذه لان خلقت خلقا

Allamah Ibnul Qaasim رحمة الله عليه mentions that I enquired from Imaam Maalik رحمة الله عليه regarding pictures that are drawn on armour, swords, watch-towers etc. Imaam Maalik رحمة الله عليه replied: “It is *makrooh*”. Thereupon, Imaam Maalik رحمة الله عليه explained the reason for its prohibition i.e. it was created (by man).

practice of picture making. However, after a while the practice of picture making gradually opened the way to shirk and kufr.

Imaam Baghawi رحمة الله عليه reports that Wadd, Suwaʿ, Yaguth, Yaʿuq and Nasr were the names of five righteous servants of Allah Ta'ala who lived in the period between Aadam ﷺ and Nuh ﷺ. Their people held them in high esteem and followed their example. Even after their death, people followed their footsteps and obeyed the Divine injunctions of Allah Ta'ala. It was not long thereafter that Shaitaan gave them the idea of making pictures and statues of their righteous elders and placing them before them at the time of worship. Shaitaan told them that their worship would be perfectly in order and that it will enhance the quality of humility in their Ibaadat. Hence, people fell into this satanic trap, began carving statues of their pious predecessors, and placed them in their places of worship. When they saw the statues of their elders, their memories were refreshed and they experienced a special motivation. Many years later that generation passed on and a new generation was born. Shaitaan played another trick with them. He misguided them in believing that their elders worshipped statues and idols. They fell for this trick and began worshipping idols. Thus, in this manner, idol worship commenced in the world.

Since Nabi ﷺ is the final messenger of Allah Ta'ala, and his *Shariʿah* is the last *Shariʿah* which will remain till the Day of *Qiyaamah*, Allah Ta'ala protected it from every practice that could possibly lead to shirk, *kufr* or open the doors to transgression. Hence, the *Shariʿah* of Islam has strictly forbidden the practices of consuming wine, intermingling of sexes, prostrating before someone and picture making.

Digital Photography

Is digital photography the same as picture making?

The name “digital photography” itself reveals its true identity and position. It clearly indicates that there is no difference in the reality of a picture produced through digital photography, compared to the picture drawings that were existent from time immemorial. However, since there has been some debate around the issue, the need was felt to undertake a thorough examination of this question to reveal whether digital photography comes within the scope of the prohibition of picture making.

The process of picture making through digital photography

There are three stages in the production of a digital picture[1].

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[1] Digital photography is a form of photography that uses an array of light sensitive sensors to capture the image focused by the lens, as opposed to an exposure on light sensitive film (Analog photography).

The image sensor turns light into discrete signals, replacing the job of film in traditional photography. The sensor is made up of millions of "buckets" that essentially count the number of photons (particles of light) that strike

1. In the first stage the camera's multiple light sensitive sensors capture the brightness of each pixel.
2. These sensors thereafter convert the captured brightness of each pixel into a digital value. E.g. Red=46, Blue=70, Green=100
3. The software in the camera (firmware) or on a computer then reads the value recorded for each pixel (in step two) and displays the image on the screen (generated by the camera).

Thus, there are several stages through which the digital photo passes, before it is displayed as an image. Each picture is first created and

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the sensor. This means that the brighter the image at a given point on the sensor, the larger the value that is read for that pixel.

Firmware in the camera, or a software in a raw converter program such as Adobe Camera Raw, interprets the raw data from the sensor to obtain a full colour image, because the RGB colour model requires three intensity values for each pixel: one each for the red, green, and blue (other colour models, when used, also require three or more values per pixel).

The captured image is then stored as a digital file ready for digital processing (colour correction, sizing, cropping, etc.), viewing or printing.

Until the advent of such technology, photographs were made by exposing light sensitive photographic film, and used chemical photographic processing to develop and stabilize the image. By contrast, digital photographs can be displayed, printed, stored, manipulated, transmitted, and archived using digital and computer techniques, without chemical processing.

Note: The above information was sourced from Wikipedia and presented with brevity.

http://en.wikipedia.org/wiki/Digital_photography

http://en.wikipedia.org/wiki/Digital_camera

then displayed. This is very swiftly followed by the creation and display of the next picture.

From the above discussion, it is clearly evident that all digital cameras, be they standalone cameras, cameras built into cellular phones, CCTV, web-cams, etc. produce images within milliseconds and then display them (even before one captures it or saves it to memory[1]).

Note: In principle, digital photography resembles the conventional method of picture making. One first gathers the material, e.g., paint, painting brush, paper, etc. Thereafter, one skilfully combines the materials to produce the picture. Similar is the case of digital photography, the camera joins the necessary material (as mentioned above) and puts it together in order to produce the picture.

Proof of the view that digital photography is not a picture

The claimants of digital photography being permissible contend that it is unlike a normal picture. A normal picture has a physical form and remains existent all the time on a paper, wall or any other object, whereas the images appearing through digital photography do not possess any physical form. Hence, the prohibition that came from Rasulullah ﷺ regarding pictures does not apply to this modern day invention. Instead, these digital images (appearing on the screen) have a closer resemblance to a reflection of a mirror than a physical picture. Just as the reflection of a mirror does not possess stability and nor does it remain existent all the time, similar is the case with digital photography.

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[1] Be it on-board memory or a memory card.

In short, those who declare that digital photography is permissible base their view on two points:

1. Digital photography resembles the reflection of a mirror.
2. Digital photography differs from the physical picture that existed in the time of Rasulullah ﷺ.

Response to the first proof

Resembling digital photography to a reflection of a mirror, merely because both are unstable and do not remain existent all the time, is incorrect. A close examination of both will reveal the noticeable differences between them.

Firstly, the reflection on a mirror occurs naturally without any action of man. Hence, man will not be accountable for that which he does not have any control over. As far as digital photography is concerned, it is a creation of man and operates through his actions. Therefore, he will be accountable for it.

Secondly, the reflection on a mirror is subject to the original object being before the mirror. Once the original object moves away, the reflection no longer remains. This is not the case with digital photography. It does not require any object to remain before it.

Thirdly, the reflection of a mirror is not preserved for a moment on the mirror after the original object moves away from it. Conversely, a photo/image captured and stored digitally can be made to appear on the screen whenever one wishes, long after the object has moved away.

Hadhrat Mufti Muhammad Shafee' Sahib رحمة الله عليه states:

A reflection of a mirror is only a representation of the object before it from which it cannot be detached. Therefore, the reflection that

appears on a mirror, water, etc., remains only for the duration that the original object remains before it. The moment it moves away, the image disappears as well. The shadow of a person standing out in the sun is seen on the ground beside him. The existence of the shadow is subject to the person. In whichever direction he moves it will follow him.

Response to the second proof

It is an accepted fact that digital photography never existed in the time of Rasulullah ﷺ. Hence, no explicit law regarding it is found in the Qur'aan or in the Hadith of Rasulullah ﷺ. At the same time, the religion of Islam is a complete way of life that provides guidance in all conditions. Allah Ta'ala says:

اَلْيَوْمَ اَكْمَلْتُ لَكُمْ دِيْنَكُمْ وَاَتْمَمْتُ عَلَيْكُمْ نِعْمَتِيْ وَرَضِيْتُ لَكُمُ الْاِسْلَامَ دِيْنًا

"Today I have perfected your religion for you and completed My favours upon you and I am pleased with Islam as your religion". (Surah Maa'idah, Aayah 3)

Hence, when the Deen is complete, it is impossible to imagine any problematic situation arising regarding which there is no solution in the Deen of Islam. However, whenever a newly developed situation arises, it is the responsibility of the *Fuqahaa* to analyse it in order to ascertain in which category the new situation fits.

Furthermore, it is insufficient grounds to claim that digital photography is not the same as picture making since digital photography did not exist in the time of Rasulullah ﷺ. There are many things that never existed in the time of Rasulullah ﷺ, yet the *Fuqahaa* declared them as impermissible after ascertaining their

correct position and status through *Ijtihaad* and *Qiyaas*. Consider the different types of drugs that exist nowadays such as cocaine, ecstasy, heroin, etc. These drugs never existed in the time of Rasulullah ﷺ, yet the *Fuqahaa* have issued the ruling of impermissibility upon them. This will be discussed in detail under "The discussion of the prohibition of drugs in Islam".

Various ways of proving that digital photography is the same as picture making

There are essentially four ways through which one can understand that digital photography is the same as a normal picture.

1. Strong resemblance

The end result of a person capturing something by means of digital photography strongly resembles the end result of drawing a picture by hand. Based on the strong resemblance and the common end result, the law that applies to picture making will apply to digital photography. The Hadith of Rasulullah ﷺ is general in this regard:

كل مصور في النار

"Every picture maker will dwell in the fire of Jahannum".

عن سعيد بن أبي الحسن قال جاء رجل إلى بن عباس فقال إني رجل أصور هذه الصور فأفتني فيها فقال له ادن مني فدنا منه ثم قال ادن مني فدنا حتى وضع يده على رأسه قال أنبئك بما سمعت من رسول الله صلى الله عليه وسلم سمعت رسول

الله صلى الله عليه وسلم يقول كل مصور في النار يجعل له بكل صورة صورها نفسا فتعذبه في جهنم وقال إن كنت لا بد فاعلا فاصنع الشجر وما لا نفس له. (صحيح لمسلم ٢/٢٠٢)

Sa'eed ibnu Abil Hasan رحمة الله عليه *reports that once a man came to Ibnu Abbaas* ﵄ *and said, "I am a picture maker. Explain to me the Islamic verdict regarding picture making." Ibnu Abbaas* ﵄ *asked him to come forward and he went forward. He asked him to come closer to him until he placed his hand on his head. Ibnu Abbaas* ﵄ *then told him, "I will inform you of what I heard from Rasulullah* ﷺ*. I heard Nabi* ﷺ *saying, 'Every picture maker will dwell in the fire of Jahannum. Allah Ta'ala will create one creature for every picture he made and it will then punish him in Jahannum.' If you wish to draw a picture, then draw the picture of a tree or a lifeless creation (for this is permissible for you)." (Muslim 2/202)*

2. Progressive form of drawing

The second way for one to understand that digital photography is the same as a normal picture is that digital photography is just a progressive form of drawing a picture with one's hand. Technology has replaced the conventional method of drawing by hand. However, in terms of the end product being a picture, both are the same. In fact, every person believes beyond a shadow of doubt that digital photography has far exceeded and surpassed a normal picture in the art of picture making. Hence, one would understand that the prohibition that applies to picture making necessarily applies to digital photography.

3. Capturing, storing and displaying

The third way for one to understand that digital photography is the same as a normal picture is that digital photography resembles a picture in the aspect of capturing, storing and displaying, though the method of both differs. In the case of a normal picture, it is captured (in the form of drawing) on a material surface, (page, wall, etc.) which allows one to view it whenever one wishes. Similar is the case of a digital photo. The image is first captured, stored, and thereafter displayed on the screen. Hence, one is able to view the digital picture whenever one wishes. The only difference is that through modern day technology, the formation and capturing process takes place in rapid succession. The pixels and rays of light are used to form picture after picture within seconds. However, the focal point is that the second picture only appears after the first picture disappears. Each person understands that these pictures had to be created in order to appear on the screen. Therefore, digital photography will be regarded as a picture immaterial of the process of formation or the duration of time that it remains on the screen.

4. Resembling the creation of Allah Ta'ala

The fourth way for one to understand that digital photography is the same as a normal picture is that Nabi ﷺ has explained in his *Mubaarak* Ahaadith that the underlying factor for the prohibition of normal pictures is مضاهاة لخلق الله (the one drawing an animate object is resembling Allah Ta'ala in the power of creation). Hence, wherever this factor is found the prohibition will apply. As it applies in the case of a normal picture, then why should it not apply to digital pictures? In fact, this factor is found in a digital picture to a greater extent. One is able to view the picture in motion which seems so real to the onlooker.

The prohibition of drugs in Islam

Objection

One could argue that digital photography did not exist in the *Mubaarak* era of Rasulullah ﷺ, hence it is not a picture and thus permissible. The answer to this is that there are various types of drugs available which never existed in the *Mubaarak* era of Rasulullah ﷺ. However, the *Fuqahaa* have declared them as *haraam*. This raises the question that: "On what basis did the *Fuqahaa* declare them as impermissible?" It is obvious that the *Fuqahaa* examined the properties and nature of drugs. After a thorough examination they ascertained that the property of *iskaar* (intoxication) found in liquid intoxicants such as *khamr* (wine), etc., is also found in drugs. Hence, the law of prohibition that applies to liquid intoxicants will also apply to drugs.

Furthermore, though drugs never existed in the time of Rasulullah ﷺ, they will still be impermissible since they fall within the general application of the following Hadith of Rasulullah ﷺ:

"كل مسكر حرام"

"All intoxicants are haraam".

Since the underlying reason for liquid intoxicants being *haraam* is found in drugs, the same rule applies to the latter. Similarly, though digital photography never existed in the time of Rasulullah ﷺ, it will still be impermissible. The reason for being prohibited is that the factor of prohibition found in normal pictures i.e. مضاهاة لخلق الله (the one drawing an animate object is resembling Allah Ta'ala in the power of creation) is also found in digital photography. Hence, digital photography will also be impermissible. Furthermore, the Hadith of

Rasulullah ﷺ: كل مصور في النار ("Every picture maker will be in the fire of *Jahannum*") which applies to picture making will also apply to digital photography of animate objects.

Second Objection

One could say that digital photos differ from conventional photos since these pictures have neither substance nor stability as opposed to a normal picture! This argument is incorrect. What is it that appears on the screen? Is it not a picture? It is obvious that it is the picture of an object that was captured prior to it appearing on the screen. The only difference that exists between the two is the manner and process in which they are preserved and stored. When Allah Ta'ala and Rasulullah ﷺ have declared pictures as *haraam*, then the manner and method of producing the picture will not bring about any change to the law. The argument that "in order for it to be a picture it has to have substance and stability" is not substantiated from any clear *nass* (textual proof, viz. Qur'aan and Hadith). Hence, how could one rely upon mere assumptions which do not conform to the general Ahaadith which clearly state that all animate pictures are impermissible, and that the one who indulges in this falls within the ambit of the curse of Allah Ta'ala and Rasulullah ﷺ. Rasulullah ﷺ is reported to have said:

إن أشد الناس عذابا عند الله يوم القيامة المصورون (صحيح البخاري٢/٨٨٠)

"Those involved in picture-making will be subjected to the worst forms of punishment on the day of Qiyaamah." (Bukhari 2/880)

Analogy

The main argument in favour of the permissibility of digital photography is that it is not a drawing or an image in itself. Rather it is the combination of numerous pixels that appear as an image.

If this is accepted, what will be the ruling with regard to the following situation:

An artist has thousands of pieces of paper in all colours. Each piece of paper is no bigger than the size of a little dot. He now painstakingly arranges the dots on a flat surface in such a manner that creates a clear image of a human being. The dots, or little pieces of paper, are themselves disjointed. They have merely been placed next to each other in a particular sequence, thereby creating the image. These disjointed pieces are then "saved" by carefully placing a glass over them. Any person with the slightest understanding will agree that this certainly constitutes "picture making." Digital photography does the same. It could be said that when the image is not reflected on the screen, it does not appear as an image anywhere. However, when one clicks on the "open image" command, one has done exactly what the artist has done in hours of painstaking effort. Both have combined numerous dots to create an image. The artist did it manually over many hours while the next person did it in a second with the use of technology.

Supporting arguments

Halaal and Haraam

The Sunnah of Rasulullah ﷺ teaches us that whenever one is faced with a doubt between something being Halaal and *haraam*, one

should adopt the path of caution and refrain from it. This is highlighted in the following Ahaadith:

عن أبي الحوارء السعدي قال قلت للحسن بن علي ما حفظت من رسول الله صلى الله عليه و سلم ؟ قال حفظت من رسول الله صلى الله عليه و سلم دع ما يريبك إلى مالا يريبك فإن الصدق طمأنينة وإن الكذب ريبة (جامع الترمذي ٢/٧٨)

Hasan ﷺ reports that Rasulullah ﷺ said: "Abandon that which puts you into doubt and adopt that which does not create any doubt. For verily truth is a source of solace and falsehood is a source of doubt (hence if something creates doubt, it is most likely that some element of falsehood exists therein)."

عن النعمان بن بشير قال سمعته يقول سمعت رسول الله صلى الله عليه وسلم يقول وأهوى النعمان بإصبعيه إلى أذنيه إن الحلال بين وإن الحرام بين وبينهما مشتبهات لا يعلمهن كثير من الناس فمن اتقى الشبهات استبرأ لدينه وعرضه ومن وقع في الشبهات وقع في الحرام (صحيح لمسلم ٢/٢٨)

It is reported from Nu'maan bin Bashir ﷺ that once while pointing towards his ears he said "I had personally heard Rasulullah ﷺ saying: "Halaal is clear and haraam is clear. Between them are unclear and doubtful things. Many people are unconcerned about these things. The one who refrains from unclear and doubtful things safeguards his Deen and secures his respect in society. The one who gets involved in doubtful things eventually falls into haraam".

This principle is explained in the books of Islamic jurisprudence (*Fiqh*). A person has a glass of water which he intends drinking. However, five people claim that one teaspoon of urine had been

added to the water whilst another ten people claim that no urine had been added to the water. What will one do in such a situation? Will one drink the water? One will certainly exercise caution and refrain from such water due to the doubt which was created. Similar is the case of digital photography. To the layman it is no different to any other photography. Even the experts call it a picture. As for picture making, numerous Ahaadith prohibit it. The four *Imaams* of *Fiqh* have declared it impermissible in the light of the Ahaadith. The six famous *Imaams* of Hadith (Imaam Bukhari, Imaam Muslim, Imaam Abu Dawood, Imaam Tirmizi, Imaam Nasaai and Imaam Ibnu Maajah رحمة الله عليهم all have included the Ahaadith prohibiting picture making in their compilations. Imaam Bukhari رحمة الله عليه has dedicated ten chapters in his masterpiece "Sahih Al-Bukhari" towards explaining the severity and admonitions of picture making. Thus, even if some *Ulama* declare it permissible, the dictates of caution is that one should refrain from it.

Deeni expediency demands closing the doors

Several proofs have already been explained in detail, which clearly explain the impermissibility of digital photography. On the contrary, some *Ulama* declare digital photography to be permissible. However, they restrict its permissibility to viewing photos and images of things that *Shari'ah* allows one to view in real life. As for that which is impermissible to see in real life, such as *ghair mahram* women, nudity, etc., viewing digital photos of such things is impermissible according to them as well.

For a moment, let us accept the view of those who declare digital photography as permissible on the basis that the image produced is not a picture. Despite this, there is an established principle of *Shari'ah* called *"sad-duz-zaraai'"* or *"sad-dan-lil baab"* (closing the door)

which demands that digital photography must still be declared as impermissible. There are many instances where technically something is permissible, but due to compelling external factors, it is declared impermissible.

For instance, consider the example of the television. There are certain pictures and scenes that appear which are permissible for one to view, such as pictures of inanimate objects, e.g. plants, trees, mountains and beautiful sceneries etc. However since this (viewing inanimate objects on the television) will lead one towards getting involved in viewing the impermissible, the verdict of general prohibition is issued and the doors are completely closed. Hence, buying, selling and viewing television are all impermissible.

In the like manner, if digital photography is technically regarded as permissible, there are compelling external factors that demand that it should be declared impermissible based on the principle of *"sad-dan-lil baab"* (closing the door). The gross abuse and the abundant vice that are linked to digital photography via the cell-phone, television, internet, etc., are sufficient grounds to close the door.

Controlling the masses

After declaring digital photography as permissible, it is practically impossible to thereafter attempt to control the masses and stop them from exceeding the limits. Instead, declaring its permissibility will only widen the doors of *fitnah*. Until now, generally the masses who were committing vices and sins through these mediums regarded their actions as impermissible. Once they learn that digital photography is permissible they will trivialize the sin and attribute it to Islam. They will believe that Islam promotes digital photography, so whatever we are viewing is endorsed by Islam. Furthermore, the masses generally do not possess the potential to discern and differentiate between right and wrong. If the matter is left to their

personal discretion, they will not only view such pictures that the *Ulama* declare as permissible, instead, they will start viewing the impermissible under the name of Islam. It all starts with taking pictures of animate objects, thereafter it progresses to a little news and sports, and the next thing you know, it ends up with a "bit" of movies. One would no longer require a television to commit those heinous sins as he would be able to easily perpetrate them via the internet or cell-phone. Hence, broadcasters that operate in the name of Islam such as Islam channel etc., even broadcast "Islamic movies", talk shows where even women appear etc. All the viewers engage in the *zina* of the eyes and become the targets of *la'nat* (the curse of Allah Ta'ala), as described in the Hadith. The notion that "if the general masses are clearly explained the ruling, they will automatically remain within the boundaries of Deen and refrain from transgressing the limits" is very far from reality. The obligation rests on the shoulders of the *Ulama* to protect the parameters and boundaries of *Shari'ah.* Anything that may lead to the boundaries and limits of Deen being compromised should be prohibited. Hence, we understand that the expediency of Deen demands that we close the doors entirely and we do not leave it to the discretion of the masses to differentiate and discern between what should be viewed and what should not be viewed.

The temperament of Deen

Legalising digital photography will effectively open the door to unrestricted evil and uncontrollable immorality. This will lead to the moral and spiritual degeneration of the Muslim ummah. It is well known that most people are driven by human temptations and worldly interests. This tendency will eventually lead them to utilize digital photography as a means of fulfilling their carnal desires and worldly interests. Thus, we witness that whenever a conflicting

situation of choosing between Deen and dunya arises, most people compromise their Deeni obligations on account of worldly interests. Hence, in view of the evil repercussions and disastrous consequences, we understand that permitting digital photography is undoubtedly not in keeping to the temperament of Deen.

Marrying the Ahle Kitaab (Jews and Christians)

During the *khilaafat* of Hadhrat Umar ﵁, Hadhrat Huzaifah ﵁ was appointed as the governor over Madaa'in. When Hadhrat Huzaifah ﵁ reached Madaa'in he married a woman from the *Ahle Kitaab.* No sooner did Hadhrat Umar ﵁ learn about it, he wrote a letter to Hadhrat Huzaifah ﵁ commanding him to divorce her. Hadhrat Huzaifah ﵁ wrote back asking Hadhrat Umar ﵁ whether he regarded marrying women from the *Ahle Kitaab* as *haraam.* Hadhrat Umar ﵁ explained: "I do not regard marrying women from the *Ahle Kitaab* as *haraam* (since the Qur'aan allows it), but I command you to divorce her as soon as you read my letter." Hadhrat Umar ﵁ then explained that the reason for him discouraging Hadhrat Huzaifah ﵁ from marrying their women was due to them lacking purity, modesty and morality. If the Muslims were to begin marrying them, there was a potential danger that their evil habits and shameless ways would enter the homes of Muslims. In some narrations, it is reported that Hadhrat Umar ﵁ also told him that due to him being the governor of that place, if he married their women, the Muslims of that area would emulate him, as it is natural that people are inclined to adopt the ways of their leaders. Hadhrat Umar ﵁ further explained that due to the beauty and fair complexion found in the Syrian (*Ahle Kitaab*) women, the Muslims would prefer them over the Muslim women. If this were to happen, who will marry the Muslim women? The unmarried Muslim women will face hardship and difficulty in their Deen and subsequently this will lead to *fitnah* in the *ummah.*

Look at the marvellous foresight and unique vision of Hadhrat Umar ﷺ. May Allah Ta'ala reward him abundantly on behalf of the entire *ummah.* He practically demonstrated through his words and actions the parameters and boundaries of Deen as well as its temperament and spirit. Although, it was permissible for Hadhrat Huzaifah ﷺ to marry the *Ahle Kitaab* woman as is categorically stated in the verse of the Holy Qur'aan, however, in view of the evil repercussions and disastrous consequences, not marrying them was preferred as this was in keeping to the spirit and temperament of Deen. Hence, we conclude that the permissibility of an action does not necessarily mean that it is something that is desired and preferred, due to it not conforming to the temperament of Deen.[1]

Performing Salaah in "Jammie's"

The "temperament" of Deen is clearly understood in other aspects of Deen. Consider the example of an Imaam who has been appointed to lead the Salaah in a Musjid. If the *Imaam* comes to perform the Salaah only wearing a piece of cloth which covers the area from the navel till beneath the knee (e.g. Jammie's), will this conduct be acceptable? Though we all agree that the salaah performed with this amount of clothing is valid, yet we will vehemently object, knowing well that such a Salaah is inconsistent with the temperament and spirit of Deen (the Sunnah). Certainly, Salaah in jammie's was not the gift for which Rasulullah ﷺ miraculously journeyed to the seven heavens.

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[1] Ma'aarif-ul-Qur'aan, vol. 3, p. 63

Women in the Musjid

Another glaring example to illustrate the parameters and temperament of Deen is that of women performing Salaah in the Musjid. In the *Mubaarak* era of Rasulullah ﷺ, women were allowed to attend the congregational prayer in the Musjid. However, Rasulullah ﷺ encouraged them to perform their Salaah in their homes. Consider the following Hadith:

عن عبد الله (رضى الله عنه) عن النبي صلى الله عليه و سلم قال صلاة المرءة في بيتها أفضل من صلاتها في حجرتها و صلاتها في مخدعها أفضل من صلاتها في بيتها

(سنن أبي داود ١/٩١، مكتبة حقانية)

Nabi ﷺ said, "The Salaah of a woman in her room is more rewarding than the Salaah in her outer room, and the Salaah in the chamber of her room is more rewarding than the Salaah in her room." (Abu Dawood 1/91)

Later on, in the era of Hadhrat Umar رضي الله عنه, on account of the *fitnah* prevalent, the women were prevented from attending the congregational prayer in the Musjid.

عن عمرة بنت عبد الرحمن أنها سمعت عائشة زوج النبي صلى الله عليه وسلم تقول لو أن رسول الله صلى الله عليه وسلم رأى ما أحدث النساء لمنعهن المسجد كما منعت نساء بني إسرائيل قال فقلت لعمرة أنساء بني إسرائيل منعهن المسجد قالت نعم (صحيح لمسلم ١/١٨٣)

'Aaisha رضي الله عنها said, "Had Nabi ﷺ witnessed the condition of the women and what they have initiated, he would have surely prevented

them from attending the Musjid just as the women of the Bani Israaeel were prevented." (Muslim 1/183)

Hadhrat Umar ﷺ and Hadhrat 'Aaisha رضي الله عنها understood Deen better than us. They understood that in the era of Rasulullah ﷺ women were permitted to attend the congregational prayer due to the absence of any *fitnah* in the era of Rasulullah ﷺ. However, despite that, Rasulullah ﷺ preferred women performing their salaah at home. On account of understanding the temperament of Deen, Hadhrat Umar ﷺ and Hadhrat 'Aaisha رضي الله عنها were convinced that had Rasulullah ﷺ been present at that time, he would have certainly not permitted the women to attend the congregational prayer. The *Sahaabah* ﷺ and the *ummah* present at that time wholeheartedly embraced the verdict of Hadhrat Umar ﷺ.

Taqleed

Another common example illustrating the parameters and temperament of Deen is that of *taqleed.* All those who subscribe to following one of the four *mazhabs* agree that the injunction of following a specific *Imaam* or *mazhab* does not feature anywhere in the Qur'aan nor the *Mubaarak* Ahaadith of Rasulullah ﷺ. However, on account of the serious harms and the colossal confusion that general *taqleed* (i.e. randomly following any ruling of any *Imaam*) would create, the doors of general/unrestricted *taqleed* have been closed to the *ummah* and strictly following one of the four *Imaams* of *fiqh* in all *masaa'il* is regarded compulsory.

From the above-mentioned examples, it becomes completely evident that if the various other factors of impermissibility (as already detailed) were not applicable, the dictates of the "temperament" of Deen itself is a sufficient basis to render digital photography as impermissible.

Mass confusion in Deen

Another vital factor to consider on the issue of digital photography is that declaring it permissible, even by some *Ulama*, will certainly lead to confusion in the *ummah*. The reason is clear. Picture making is clearly prohibited in the Ahaadith. Conventional photography has been prohibited by all our *Akaabir* (elders) and Muftis. With this background, the declaration of digital photography as permissible is bound to confuse the masses. Moreover, the advancement in technology has placed a digital camera in the hand of almost every man, woman and child. The issue is therefore not restricted to a particular sector of society. Such a situation requires that extreme caution be exercised when considering any decree that will affect the established principles of Deen or change the current situation of the *ummah*.

The *Ulama* of the *ummah* of Rasulullah ﷺ are obligated to save the *ummah* from all those avenues that will lead them to ruin and destruction. Among the chief reasons for the previous nations being destroyed was internal differences and confusion.

أن عبد الله بن عمرو قال هجرت إلى رسول الله صلى الله عليه وسلم يوما قال فسمع أصوات رجلين اختلفا في آية فخرج علينا رسول الله صلى الله عليه وسلم يعرف في وجهه الغضب فقال إنما هلك من كان قبلكم باختلافهم في الكتاب

(صحيح لمسلم ٢/٣٣٩)

Abdullah bin 'Amr ﵁ said: "I once came to Rasulullah ﷺ. There were two men arguing regarding an Aayah of the Qur'aan. Nabi ﷺ heard their voices and emerged (from his home). The signs of anger were clearly noticeable on his Mubaarak face. He then said: "The people of the past were destroyed only on account of them differing in the book (their scriptures)." (Muslim 2/339)

Cancelling the intention of reconstructing the Ka'bah Shareef due to the fear of confusion in the masses

عن عائشة رضي الله عنها قالت قال لي رسول الله صلى الله عليه وسلم لولا حداثة قومك بالكفر لنقضت البيت ثم لبنيته على أساس إبراهيم عليه السلام فإن قريشا استقصرت بناءه وجعلت له خلفا قال أبو معاوية حدثنا هشام خلفا يعني بابا (صحيح البخاري ١/٢١٥)

'Aaisha رضي الله عنها reports that Rasulullah ﷺ said: "Had it not been that your people (Quraish) have only recently left disbelief, I would have demolished the Ka'bah and reconstructed it upon the foundation of Ebrahim عليه السلام. The Quraish had downsized the building and made only one door." (Bukhari 1/215)

Rasulullah ﷺ expressed his desire to Hadhrat 'Aaisha رضي الله عنها to reconstruct the *Ka'bah Shareef* exactly as it was constructed by Hadhrat Ebrahim عليه السلام. However, Nabi ﷺ did not embark on this, out of the fear that demolishing and reconstructing the Ka'bah Shareef will lead to confusion amongst the people. In another narration it is reported that Nabi ﷺ said to Hadhrat 'Aaisha رضي الله عنها: "Had it not been that your people are new in Islam, I would have demolished the Ka'bah and reconstructed it according to the construction of Hadhrat Ebrahim عليه السلام, but due to the fear that the people will say, 'Yesterday Hadhrat Muhammad ﷺ invited us to Islam and today he is demolishing the Ka'bah Shareef,' I am cancelling my intention".

Consider the action of rebuilding the Ka'bah Shareef. What a virtuous and praiseworthy (*mustahab*) deed it was. Yet Rasulullah ﷺ cancels his intention and leaves out this *mustahab* action on account of the confusion this action would have lead to among the people.

Similarly, the *Ulama* are duty bound to preserve and protect Deen in its pure and pristine form. They should not issue any verdict which will be a means of confusion among the masses. Permitting digital photography (with the host of vices that is connected to it) will only create "mass confusion" among the masses. Consider the following situation. A person asks whether it is permissible for him and his family to pose for a photograph. The clear answer will be: "NO, it is NOT permissible." The next question he will ask is: "Can I take a picture of my family with my cell-phone and can I video them?" The answer will be, "Yes you can." Likewise if somebody wants to take a photo of his *buzurg* and keep it in his photo album as a remembrance, he will be told it is not permissible. However, if he wishes to store it on his cell-phone or video the *buzurg* and view it whenever he wishes, he will be told it is permissible. The mass confusion that this will lead to is obvious.

General prohibition

The greatest and most virtuous deed in the sight of Allah Ta'ala is to preserve the divine *Shari'ah* of Islam in pure and pristine form. An action which in its individual capacity may be declared as permissible, however if it has the potential to lead to distortion or innovation in Deen, it will be ruled as impermissible. The *Fuqahaa* have gone to such lengths in preserving and securing the boundaries of Deen, that let alone a permissible act, even a *mustahab* act they have ruled as impermissible and should be omitted when it leads to the distortion of Deen.

Consider the customary practice of '*meelaad* and *salaami*'. These practices have mainly been prohibited by the *Ulama* due to the wrongs (*bid'aat*) that have become entrenched in them. Otherwise, '*meelaad*' in its literal sense is permissible. *Meelaad* means to discuss the birth of Rasulullah ﷺ as well as his *Mubaarak* life on the night he

was born. There is no harm in this provided the limits of *Shari'ah* are maintained. Likewise, consider the case of '*salaami*'. '*Salaami'* literally means to recite Durood and Salaam on Rasulullah ﷺ. Reciting Durood and Salaam upon Nabi ﷺ is an extremely virtuous and meritorious act. However, due to the *bid'aat* that have been attached to the customary *meelaad* and *salaami* practices, the *Ulama* have declared them as impermissible. Nevertheless, once the ruling of prohibition is passed, the prohibition will apply to one and all. There will be no exclusions nor exceptions made for any specific person nor any specific type of *meelaad* or *salaami* function. Hence, when the ruling of impermissibility is issued on digital photography then there will be no exclusions nor exceptions made for any specific person or situation.

The general compulsion of donning the veil

Another similar issue is that of women donning the veil (*niqaab*). The *Fuqahaa* have ruled that it is compulsory for women to cover their faces on account of the *fitnah* of this age and time. Hence, covering the face is *waajib* for all *baaligh* women in all situations. If a woman has to consider herself exempt from following the law since she does not perceive any fear of falling into sin, she will still be sinful due to not practicing on the general rule which is applicable to everyone without exception. Accordingly, one should understand that when digital photography is ruled as impermissible (in order to close the doors of *fitnah*) on account of the limitless harms and evils related to it, this prohibition will be general without any exclusion. The prohibition will relate to the masses as well as to the *Ulama*.

Desecration of the symbols of Islam

The foundation of Islam rests upon the bedrock of respect and reverence. The topic of respect has been highlighted in the Qur'aan as well as in numerous Ahaadith of Rasulullah ﷺ. Allah Ta'ala states in the Holy Qur'aan:

ذٰلِكَ ۗ وَ مَنْ يُّعَظِّمْ شَعَآئِرَ اللّٰهِ فَاِنَّهَا مِنْ تَقْوَى الْقُلُوْبِ

"Whoever holds in honour the symbols of Allah Ta'ala, such (honour) comes truly from piety of the heart" (Surah Hajj, Aayah 32)

Nabi ﷺ said:

عن عمرو بن شعيب عن أبيه عن جده قال : قال رسول الله صلى الله عليه و سلم ليس منا من لم يرحم صغيرنا ويعرف شرف كبيرنا (ترمذي ٢/١٤)

"The one who does not show kindness to the young and does not respect the elderly is not from amongst us." (Tirmizi 2/14)

From the afore-mentioned verse of the Holy Qur'aan and the *Mubaarak* Hadith of Nabi ﷺ one learns that respect (*adab*) is the corner stone of Islam.

As the famous proverb states; "The one who is respectful always remains successful, and the one who is disrespectful is always a failure". Hence we understand that just as respect secures the pleasure of Allah Ta'ala and abundant rewards in the hereafter, accordingly disrespect earns one the wrath of Allah Ta'ala and severe punishment in the hereafter.

Allah Ta'ala has afforded exclusive positions and special ranks to specific places and symbols of Deen, such as the *azaan*, the Ka'bah Shareef, the Masaajid, the cities of Makkah Mukarramah and Madinah Tayyibah, etc. To respect these sacred symbols is an integral

part of Islam while showing disregard to these salient features and sacred symbols leads to the demolition of one's Deen.

It is indeed unfortunate and heartbreaking to find many Muslims openly desecrating these salient features and sacred symbols of Deen. Hence, we witness many people in the *mubaarak* cities of Makkah Mukarramah and Madinah Tayyibah, posing for a photo in the Musjid-e-Haraam before the Ka'bah Shareef and the Rawdah *Mubaarak* of Rasulullah ﷺ. We can well imagine the extent of grief and pain that we are causing to our beloved Rasulullah ﷺ through such brazen disrespect. On the occasion of the conquest of Makkah, Rasulullah ﷺ destroyed with his own *mubaarak* hands the statues of Ebrahim عليه السلام and Ismail عليه السلام.[1]

Rasulullah ﷺ resented picture making to such an extent that he was not prepared to enter his own home when he had seen the picture of an animate object hung up on the door of his home.[2] Yet today his *ummah* shows scant regard to his teachings and ignores the

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١ عن جابر رضي الله عنه قال دخلنا مع رسول الله صلى الله عليه وسلم مكة وفي البيت وحول الكعبة ثلاثمئة وستون صنما تعبد من دون الله فأمر بها رسول الله صلى الله عليه وسلم فأكبت على وجهها ثم قال جاء الحق وزهق الباطل إن الباطل كان زهوقا ثم دخل رسول الله صلى الله عليه وسلم البيت فصلى فيه ركعتين فرأى فيه تمثال إبراهيم وإسماعيل وإسحاق وقد جعلوا في يد إبراهيم الأزلام يستقسم بها فقال رسول الله صلى الله عليه وسلم قاتلهم الله ما كان إبراهيم يستقسم بالأزلام ثم دعا رسول الله صلى الله عليه وسلم بزعفران فلطخه بتلك التماثيل (اتحاف السادة المهرة ٣٩/٧)

٢ عن عائشة زوج النبي صلى الله عليه وسلم أنها أخبرته أنها اشترت نمرقة فيها تصاوير فلما رآها رسول الله صلى الله عليه وسلم قام على الباب فلم يدخل فعرفت في وجهه الكراهية فقلت يا رسول الله أتوب إلى الله وإلى رسوله ماذا أذنبت فقال ما بال هذه النمرقة قالت فقلت اشتريتها لتقعد عليها وتوسدها فقال رسول الله صلى الله عليه وسلم إن أصحاب هذه الصور يعذبون يوم القيامة ويقال لهم أحيوا ما خلقتم وقال إن البيت الذي فيه الصور لا تدخله الملائكة (صحيح البخاري ٨٨١/٢)

severe admonishments that have appeared in his *Mubaarak* Ahaadith (May Allah Ta'ala save us). Nabi ﷺ has said:

قال النبي صلى الله عليه وسلم إن أشد الناس عذابا عند الله يوم القيامة المصورون

(صحيح البخاري٢/٨٨٠, صحيح لمسلم ٢/٢٠١)

"Those involved in picture-making will be subjected to the worst forms of punishment on the day of Qiyaamah." (Bukhari 2/880, Muslim 2/201)

Hadhrat Mufti Taqi Uthmani Sahib's fatwa on television

It is evident regarding digital media in the form of television, etc., that it is giving rise to immorality, shamelessness, vice, violence and evil character through the various programs appearing on it. Further, it is quite difficult to find such programs that are free from any irreligious aspects. Moreover, it is almost impossible for a person to have a television at home without being affected by such evils. Therefore, in such circumstances, one should not keep a television.[1]

Hadhrat Mufti Rafee' Uthmani Sahib's fatwa on television

It is not permissible to keep the television in the homes, looking at the contemporary circumstances. This is due to the reason that every broadcasting channel, as we all know, in this day and age, includes programs and episodes that are not void of religiously impermissible

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[1] Translation of Mufti Taqi Sahib's fatwa from Darul Uloom Karachi – dated: 8-4-1427.

matters such as music, singing, nudity, exposure, mockery and other traits of transgression and sin. It is impossible for the user to refrain from the prohibitions in this widespread system. This is also because, many things that are broadcast in between a permissible program, contain prohibited matters, in commercials and advertisements etc.[1]

Can the television be used for Deeni purposes?

The opinion of Hadhrat Moulana Yusuf Binnori رحمة الله عليه on television

During the last meeting of the Pakistan Islamic Council that Allamah Yusuf Binnori رحمة الله عليه attended, Hadhrat was asked to appear on television. He declined. Later Hadhrat was asked whether films could be used for the propagation of Deen, provided that all immorality and factors that destroy character are removed. Upon this, Hadhrat Moulana رحمة الله عليه expounded on a principle of Deen, the gist of which is:

"I wish to share with you a principle issue. We have not been obligated by Allah Ta'ala to use every possible means, whether permissible or impermissible, for the *tableegh* of Deen. Instead, we are required to use all our energies and resources to propagate Deen only using permissible means and methods.

[1] Fatwa of Mufti Muhammad Rafee' Uthmani – Translated by Shaykh Yusuf Badat – Mathabah Foundation, www.mathabah.org

Together with the injunction of *tableegh*, Islam has also laid down guidelines and principles for *tableegh*. We are thus obligated to conduct our *tableegh* within this framework.

If we are successful in our efforts after following the guidelines and principles, then indeed, we have achieved our ultimate goal and objective. If our efforts were unfruitful, but we had adopted the permissible methods and means, we will not be compelled to further our *tableegh* by using every possible and available means, be it permissible or impermissible.

If even one person is blessed with guidance after using the permissible means, then undoubtedly our *tableegh* was successful. However, if on the other hand, scores and droves of people embrace Islam on account of us adopting impermissible methods and means, then this holds no value in the sight of Allah Ta'ala.

How can success ever be achieved when we have transgressed the bounds of *Shari'ah*? Rather than it being the *tableegh* of Deen, it would be the *tableegh* of something else.

Photography inherently contradicts the injunctions of Islam. Therefore, we will not be compelled to utilise it as a tool for *tableegh*. If a person is prepared to accept Islam through our invitation via permissible methods and means, then we will definitely be grateful and pleased. However, for those who are not prepared to do so and wish to accept our invitation only by means of the television, then we regret that we will have to be excused.

If this stance is not adopted today, then the television will be a tool for *tableegh* now, but in time to come, be-hijaab (unveiled) women would be used for this purpose, and an effort will be made to use immoral gatherings of music and dancing, etc., to invite people to Deen.

In this way, in the name of *tableegh* we will be guilty of gradually violating the laws of Islam."[1]

Fatwa of Moulana Yusuf Ludhyaanwi رحمة الله عليه

Hadhrat Moulana Yusuf Ludhyaanwi رحمة الله عليه writes:

Although the photos captured by video or television equipment are not visible (like a normal printed picture), but they are stored, and displayed on a television set.

These pictures cannot be excluded from the hukm of tasweer.

The most that can be said is that instead of the olden method of picture-making, technological advancement has brought about a new means of picture-making.

When *Shari'ah* has declared picture-making as *haraam*, then no matter which methods or means are invented, Tasweer will remain *haraam*.

The humble of opinion of this servant is that in hand-drawn pictures those evil are not found which are found in video and tv... because of the television and videos every home has been transformed into a cinema...

Does this make sense that on the one hand *Shari'ah* declares hand-drawn pictures as *haraam*, and the picture maker as *mal'oon* and warns him of *"ashad-dun naasi azaaban yowmal qiyaamah"*, but on the other hand declares Halaal this 'storm of immorality and indecency' known as TV?

As for the claim made by some that there is some benefit therein, so I ask:

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[1] Nuqoosh-e-Raftagaa, p. 104

"Are there no benefits in intoxicants, pork, interest and gambling?" But the Qur'aan Shareef has put a cross on all these benefits by announcing *"wa ithmuhumaa akbaru min naf'ihimaa"*.

Some say that through TV and videos we will propagate and spread Islam.

In our country there are Deeni programmes on TV, but, with due respect, may I ask:

How many non-muslims have accepted Islam by viewing these Deeni programmes?

How many bê-namaazi's began performing Salaat because of these programmes?

How many sinners have made *taubah* because of these programmes?

This is nothing but deception.

This instrument of immorality and sin, which is *'najisul ayn'* from head to toe, which is *mal'oon*, the one who makes it is *mal'oon* in Dunya and Akhirat, how will it assist in spreading Deen?....

As for those who say that so-and-so says this and so-and-so does that, this is not a *daleel* of *jawaaz* (permissibility) for us.

Wallahu a'lam

(Moulana) Muhammad Yusuf

20 Zhul Qa'dah 1406

(Mufti) Ihsaanullah Shaa'iq, Darul Iftaa wal Irshaad, Naazimabad, Karachi 16 jumaadal Ukhraa 1425

Al Jawaab Saheeh (Mufti) Muhammad 16/06/1425

Al Jawaab Saheeh (Mufti) Saeedullah 16/06/1425

An interview with Hadhrat Mufti Taqi Uthmani Sahib

The following is a report of an interview conducted with Hadhrat Mufti Taqi Sahib:

Recently, a young professional in the U.S. approached the prominent Muslim scholar and Deputy Chairman of the Jeddah based Islamic Fiqh Council of the Organization of Islamic Conference (OIC), (Justice) Mufti Taqi Uthmani to inquire about his profession. He produced computer graphics for the television and motion picture industry. "This is the age of the media, and the only effective way to spread Islam today is through television and movies" he argued. "If we do not learn the trade, how will we be able to produce such programs? If we don't produce such programs, who will?" he inquired. Yet, some people had told him that it was not a good profession.

"I have given a lot of deep thought to this issue," replied (Justice) Mufti Uthmani in his characteristic measured tone, weighing every word. "I have reached the conclusion that the cause of Islam cannot be served through television, especially under the current circumstances. You should seek another line of work."[1]

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[1] Extract of "Understanding television" by Khalid Baig.

Way Forward

Which differences are accommodated in Deen?

The general misconception amongst the masses is that Deeni differences among the *Ulama* on any matter creates leniency and concessions in Deen. Therefore, one is free to practice on any view one is inclined to. In support of this, the differences which existed among the *Sahaabah*, *Taabi'een* and the four *mazhabs* of *Fiqh* are cited as glaring examples to illustrate the vast accommodation Deen provides for differences of opinion in Deeni matters. Perhaps the statement of Umar ibnu Abdul Aziz رحمة الله عليه would also be quoted:

اختلاف أصحاب محمد رحمة للأمة

'The differences among the Sahaabah of Rasulullah ﷺ were a source of mercy for the ummah'.

However, it must be clearly understood that any and every difference does not create leniency or is acceptable. If a new sect appears with the idea that usury and interest is totally Halaal or that only three Salaah are compulsory instead of five or instead of discharging two and half percent Zakaat one should discharge only one percent, such differences will be rejected. Hence, we understand that the Hadith of Rasulullah ﷺ should be understood in the correct context. The

difference which will be accommodated in Deen is that difference which is governed by Deen and based on *Fiqhi* (juristic) principles. The differences among the four *mazhabs* all stem from the Qur'aan and Hadith. Every *Imaam* has sufficient substantiation for his view. This was also the nature of the difference amongst the *Sahaabah* and *Taabi'een.*

As far as digital photography is concerned, there are no substantial grounds to prove its permissibility, neither from the Qur'aan and Hadith nor from the four *Imaams* of *Fiqh.* Instead, the general Ahaadith, *mazhabs* of *Sahaabah*, *Taabi'een* and the four *Imaams* are general in regard to all picture making being *haraam.* Hence, this type of difference is not one of leniency and concession as compared to the differences that existed between the four *mazhabs.*

Merit of argument

Differences of opinion among the *Ulama* and learned scholars existed in every era of Islamic history. Whenever a difference arose in regard to any *mas'alah* (issue), each scholar debated it on the merit of the argument and endeavoured to establish the reality. The conflicting views on the issue were weighed on the scale of the Sunnah. The basis of preferring a specific viewpoint always revolved around "the merit of the argument" and not "the merit of the scholar". Hence, we find that despite knowing the verdicts of great scholars such as Imaam Shaafi'ee, Imaam Ahmad and Imaam Maalik رحمة الله عليهم, a Hanafi scholar still gives preference to the verdict of Imaam Abu Hanifah رحمة الله عليه due to him regarding it closer to the Sunnah. The same applies to the scholars of each *mazhab* in relation to their *Imaam.* Hence, we understand that establishing the Haq was always based on "the merit of the argument" and not "the merit of the scholar". The criteria for acceptance in the court of Allah Ta'ala is the

Sunnah. The one who firmly latches on to the Sunnah is rightly guided. In the past, there were many glaring examples of learned scholars having erred in a few issues or of an oversight occurring in their judgement. It is for this very reason that Hadhrat Mu'aaz ﷺ cautioned the *ummah* of Rasulullah ﷺ about the errors of the learned people. He once addressed the people thus:

فإياكم وما ابتدع فإن ما ابتدع ضلالة وأحذركم زيغة الحكيم فإن الشيطان قد يقول كلمة الضلالة على لسان الحكيم وقد يقول المنافق كلمة الحق. قال قلت لمعاذ ما يدريني رحمك الله أن الحكيم قد يقول كلمة الضلالة وأن المنافق قد يقول كلمة الحق قال بلى اجتنب من كلام الحكيم المشتهرات التي يقال لها ما هذه ولا يثنينك ذلك عنه فإنه لعله أن يراجع وتلق الحق إذا سمعته فإن على الحق نورا (سنن أبي داود ٢/٦٣٢)

"Beware of such people who bring about innovations in Deen. Innovations in Deen are clear misguidance. I further warn you against the error of a wise man (righteous guided Aalim). For indeed, Shaitaan at times causes a wise person (righteous guided Aalim) to utter a word of misguidance and a hypocrite can utter a word of truth." (Yazeed says that) I then asked Mu'aaz ﷺ, "How will I be able to distinguish the misguidance uttered by a wise person (righteous guided Aalim) and the truth spoken by a hypocrite?" Mu'aaz ﷺ replied, "Yes undoubtedly, refrain from (following) such statements of the wise person (righteous guided Aalim) which when it is circulated among the people it becomes a target of objection (among the learned scholars). However, this should not divert you from him (righteous guided Aalim) for it is possible that he will retract. Furthermore, accept the truth whenever you hear it for indeed the truth is accompanied with noor (Divine light)." (Abu Dawood 2/632)

Exercising caution in the matters of Deen

From the aforementioned statement of Hadhrat Mu‘aaz ﷛ we understand that at times great personalities can err just as misguided people sometimes utter some words of wisdom. How will one come to know that a great personality has slipped or has erred in his ruling? The answer to this question is found in the words of Hadhrat Mu‘aaz ﷛, that “the statement that becomes a target of objection among the people”. In other words, the statement that creates an uproar among people and they begin to comment in utter amazement and surprise: “Did you hear what so and so has said?” or “Is this fatwa correct and established from the Qur’aan and Sunnah?” In such a case, one will understand that the verdict opposes the mainstream view of the rightly guided *Ulama.*

However, the issue at hand is how does one manage such a situation? The answer to this question is that one will need to strike a balance and exercise extreme caution. He will not abandon the great personality on account of his misjudgement in one *mas’alah*, nor will he follow him in the issue that he has erred in. Instead, he will follow him in other *masaa’il* and hold him in high esteem for the many great services he has rendered for Deen.

The statement of Hadhrat Allamah Anwar Shah Kashmiri رحمة الله عليه regarding photography

Moulana Sayyid Ahmad Ridha Bijnori رحمة الله عليه writes regarding Hadhrat Allamah Anwar Shah Kashmiri رحمة الله عليه:

"In my opinion Hadhrat's most outstanding feature was his exceptional firmness on the path of the *Salaf*. Despite his vast knowledge, extensive research and in-depth study – in my opinion there was no book in the libraries of India and the *Haramain Shareefain,* whether still as manuscripts or published, that had not been studied by Shah Sahib رحمة الله عليه – yet he would never be prepared to digress from the *maslak* of the *Salaf* in even the smallest of *masaa'il.*

You would be aware that almost all the *Ulama* of Egypt permit photography. Allamah Tantaawi presented all the proofs for its permissibility in his *tafseer*. When I studied his proofs presented in his mesmerising and captivating approach, I was convinced that after studying it Hadhrat Shah Sahib would indicate towards its permissibility even if the slightest degree of permissibility could be extracted from it. However, what was Shah Sahib's answer? Hadhrat's only answer was:

اپنے حضرات کی رائے نہیں ہے

This does not conform to the verdict of our senior Ulama.

I.e. the verdict of permissibility of photography opposes the four great *Imaams* of fiqh. The value of this statement can never be explained. About 28 years have passed since this discussion took place, yet when I recall this statement I ask myself, 'What did Hadhrat رحمة الله عليه say?' Many *Ulama* in India were influenced by the article of Allamah Tantaawi and had views of permissibility in mind.

Be that as it may, but Hadhrat's comprehensive and complete answer is most sufficient and all-encompassing. It is totally impossible to express due appreciation to this statement, for it did not only answer my question but, it served as a guide for others as well,

that whenever any such perplexity arises in a *mas'alah* then simply ask yourself, 'What was the opinion of our senior *Ulama*?'"[1]

Conclusion

After studying the statements of the great Fuqaha and the quotations of our *Akaabir*, we understand that photography in whichever form it may be is totally prohibited and impermissible in Islam. Hence, its usage for 'Deeni' purposes does not warrant permissibility and legitimacy. May Allah Ta`ala accept this humble effort and guide us all to the correct path. *Aameen.*

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[1] Malfoozaat-e-Kashmiri, p. 41/42

The disastrous consequence of legalising photography (by Hazrat Moulana Yunus Patel Sahib رحمة الله عليه)

One of the greatest calamities of our times is the abuse of the camera.

In this day and age, with the easy availability of cell-phones, digital cameras, camcorders, etc. everyone seems to be in possession of a tool which has created an upheaval in mischief. How many have had their names dragged through the mud or have been black-mailed, slandered or left humiliated and disgraced due to photographs taken and then circulated?

Photography is an evil, which has been entirely misjudged and under-estimated.

Just recently, a brother related a dream to me, requesting an interpretation. I interpreted his dream saying: *'It seems as if movies are being viewed in the Musjid.'*

Within a matter of days, the interpretation was made apparent. We had a visiting 'Aalim give a talk in our Musjid. I was sitting on a chair, near the front, when I observed three young boys very absorbed with their cell phones. I requested a friend to go to the back of the Musjid and see what they were up to. He observed that they were viewing some film with dirty, indecent pictures. إنا لله و إنا إليه راجعون

We give our children high-technology at the expense of *hayaa* (modesty), Deen and Imaan.

One is to have no shame and commit sins in the presence of Allah Ta`ala, but increasing in shamelessness is when one is brazen enough to commit sins in the presence of Allah Ta`ala, whilst in the Musjid, the House of Allah Ta`ala.

The same shamelessness is found en-masse in the Musjid of all Masaajid, Musjidul Haraam in Makkah Shareef. The objective of the majority visiting these days, is taking photographs and video recording, instead of engaging in Ibaadah.

Complaints - and it is even our experience - of flashes and clicks of the camera, seen or heard, whilst Salaah is in progress or whilst in Tawaaf.

There is a very dire need to explain that this is a grave and serious crime in the sight of Allah Ta`ala.

What needs to be understood is that photography of anything animate is a clear prohibition. It is *haraam.*

It has been narrated from Hadhrat Jabir ﵁ that Rasulullah ﷺ forbade pictures in the house and he forbade making them.

Rasulullah ﷺ said: “Verily, of the most grievously tormented people on the Day of Resurrection are picture-makers.”

There are, in fact, many other Ahaadeeth, which clearly prove this prohibition.

Why did Allah Ta`ala prohibit photography?

One reason is quite clear; that it was the origin of *shirk* (polytheism):

Going down the passage of history, we find that mankind was introduced to idol worship due to Shaytaan’s efforts in leading mankind astray. So due to his whispering encouragement, people began to draw and sketch their pious predecessors, thinking that their faces and images will be a source of inspiration; an incentive to also follow in their footsteps of piety. However, it was the means by which many began to worship those pictures, and thereafter carved such idols; and idol worship came into vogue.

Whilst this would have been more than sufficient for the Believer, it is no longer considered a worthy reason by Muslims who want to engage in the sin. Many say that there is no way that they would worship a photograph or even a sketch, let alone an idol. My Shaikh, Hadhrat Moulana Hakeem Muhammad Akhtar Sahib دامت برکاته explains that one reason behind the prohibition is so that Allah Ta`ala may protect the respect and dignity of His servants.

Many a time, a person who was engaged in various evils is granted *hidayah* (guidance). Sometimes, this *hidayah* is such that he attains a high stage of *wilayah.* The person becomes a great *Wali* (Friend) of Allah Ta`ala and even a Shaikh, and thousands of people throng to his gatherings. Now at such a time, if someone were to dig up pictures of his past … what embarrassment would he have to endure?

From Allah Ta`ala's side, there is forgiveness of sins, on sincere *taubah*, to the extent, that all evidence is 'deleted' and Insha-Allah, the person will not have to render an account for those sins. However, if photographs were taken, then this is evidence which the person has produced against himself, and which cannot always be destroyed – especially if it is in the hands of others who wish to bring disgrace to the person.

My Shaikh mentioned the above reason, during an election in Pakistan, where a woman was a candidate in the election. She was blackmailed with photographs of herself in a compromising situation, so that she withdraws.

Further to this reason, we find that the porn industry and filthy films are all based on pictures. Islam nips the problem in the bud by prohibiting photography.

If everyone practiced upon this teaching, we would not have pornography, woman abuse and exploitation, child pornography, and the evil consequences of rape, insanity, suicide, incest, etc., much of

which has shattered and devastated the marriages and homes of many Muslims.

Now thinking over all these harms, we should appreciate the prohibition all the more and show that appreciation by abstaining. There is nothing but great wisdom in the prohibitions of Allah Ta`ala, with nothing but good for His servants.[1]

[1] Extracted from http://www.yunuspatel.co.za